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ANALYSIS  
OF  
RECENT STATUTES  
AFFECTING  
PARLIAMENTARY ELECTIONS  
IN SCOTLAND  
BY  
J. BADENACH NICOLSON  
ADVOCATE

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ANALYSIS  
OF  
RECENT STATUTES  
AFFECTING  
PARLIAMENTARY ELECTIONS  
IN  
SCOTLAND,

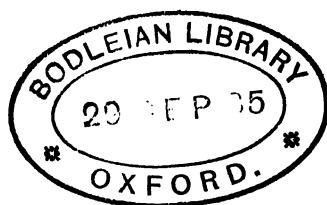
WITH  
APPENDIX CONTAINING THE STATUTES,  
AND  
A DIGEST OF RECENT DECISIONS OF THE  
REGISTRATION APPEAL COURT.

BY  
JAMES BADENACH NICOLSON,  
ADVOCATE.

EDINBURGH: BELL AND BRADFUTE.  
LONDON: WM. MAXWELL AND SON.

1885.

EDINBURGH:  
PRINTED BY LORIMER AND GILLIES,  
31 ST. ANDREW SQUARE.



## PREFACE.

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A THIRD time within living memory—almost within half-a-century—the representation of the people in Parliament has been made the subject of important change. In 1832 the whole system was reformed, both as regards franchises and seats. In 1867-68, household franchise was established in the burghs, and certain changes, but on the old lines, were made on the representation of localities. In 1884-85, household franchise has been extended to the counties, and what may be termed the principle of single member constituencies has been widely adopted both in counties and burghs, the only exception to its application in Scotland being the still undivided burgh of Dundee.

In the following pages I have endeavoured to analyse and explain the legislation just completed in regard to franchises and seats, reference being made wherever necessary to the earlier enactments.

I have also examined in some detail the alterations which have been made on the machinery of registration and on the proceedings at elections.

Lastly, I have treated shortly of the stringent provisions of the Acts recently passed relative to corrupt and illegal practices and for preventing excessive expenditure at elections.

Prefixed to the analysis are tables exhibiting at a glance the new arrangement of seats, the proceedings for the registration of voters in counties and burghs, the scale of expenditure permitted at elections, and (by permission of Messrs.

M. W. Mattinson and S. C. Macaskie) the provisions of the Corrupt and Illegal Practices Act of 1883, both as regards avoidance of the election and penal consequences to individuals. It is believed these tables will be found to be of much practical use in the exigencies of registration and election business.

In the Appendix are given the statutes affecting parliamentary elections passed since 1879, the date of publication of the second edition of my treatise on the law of Election and Registration in Scotland, together with the documents issued by the late Lord Advocate (Balfour) for the guidance of those engaged in the work of registration. Until a consolidating measure can be passed, the adaptation of the Burgh Registration Act, 1856, with the variations necessary to make it (in terms of § 8 (6) of the Reform Act, 1884) applicable to counties, which I am, by the late Lord Advocate's permission, enabled to publish, will be found of great service.

It has also been thought useful to add a short digest of the cases decided by the Registration Appeal Court since 1879.

I desire to acknowledge the readiness with which Mr. Donald Crawford, Advocate, lately Legal Secretary to the Lord Advocate, afforded me much valuable information during the preparation of this analysis.

J. B. N.

*June, 1885.*

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## LIST OF ABBREVIATIONS.

---

- M., . . . The Third Series of the Court of Session Cases (1862-1873), by Macpherson and others.
- Nicolson, . J. B. Nicolson's Law of Election and Registration in Scotland (2nd Edition, 1879).
- R., . . . The Fourth Series of the Court of Session Cases (1873- ), by Rettie and others.
- 

Ballot Act,	. . . . .	35 & 36 Vict. c. 33.
Burgh Registration Act (or B. Reg. Act, 1856),	. . . . .	19 & 20 Vict. c. 58.
County Voters Act (or C. Voters' Act, 1861),	. . . . .	24 & 25 Vict. c. 83.
Corrupt Practices Act,	. . . . .	46 & 47 Vict. c. 51.
Reform Act, 1832 (or R. Act, 1832),	. . . . .	2 & 3 Will. IV. c. 65.
Reform Act, 1868 (or R. Act, 1868),	. . . . .	31 & 32 Vict. c. 48.
Reform Act, 1884 (or R. Act, 1884),	. . . . .	48 & 49 Vict. c. 3.
Redistribution Act, 1885,	. . . . .	48 & 49 Vict. c. 23.
Registration Act, 1885 (or Reg. Act, 1885),	. . . . .	48 & 49 Vict. c. 16.
Universities Election Act,	. . . . .	44 & 45 Vict. c. 40.
Valuation Act,	. . . . .	17 & 18 Vict. c. 91.





PROCEEDINGS IN COUNTY REGISTRATIONS—Continued.

No.	DATE.	OFFICER OR PARTY.	DUTIES.	SECTIONS OF ACTS.
14	September. 25th to 30th (last inclusive) .	Any person .	Inspect lists of claims and objections, as in No. 6, . . .	{ B. Reg. Act, 1856, § 5. R. Act, 1868, § 20. R. Act, 1884, § 8 (6). B. Reg. Act, 1856, §§ 19, R. Act, 1868, § 20, [20, 25. R. Act, 1884, § 8 (6). Do. Do. Do.
15	{ 25th to 15th Oct. (last in- clusive) . . . . . }	Sheriff . .	Hold Registration Courts, and revise lists	{ B. Reg. Act, 1856, § 5. R. Act, 1868, § 20. R. Act, 1884, § 8 (6). B. Reg. Act, 1856, §§ 19, R. Act, 1868, § 20, [20, 25. R. Act, 1884, § 8 (6). Do. Do. Do.
16	Do.	Sheriff-Clerk.	{ Lay before Sheriff the Assessor's lists, copies of last register, } { and valuation roll 'then in force,' } { Lay before Sheriff original notices of claim and objection, . }	{ B. Reg. Act, 1856, § 22. R. Act, 1868, § 20. R. Act, 1884, § 8 (6). C. Voters Act, 1861, § 43. R. Act, 1868, § 21. R. Act, 1868, § 22.
17	Do.	Assessor .	{ Lay before Sheriff valuation roll 'for the year,' } { Give to Sheriff notice of objection to claimant before hearing } { in Court, . . . . . }	{ B. Reg. Act, 1856, § 22. R. Act, 1868, § 20. R. Act, 1884, § 8 (6). C. Voters Act, 1861, § 43. R. Act, 1868, § 21. R. Act, 1868, § 22.
18	Do.	{ Custodian of } { Valuation Roll }	{ Apply to Sheriff in Registration Court for transference to } { another polling district, . . . . . }	{ B. Reg. Act, 1856, § 22. R. Act, 1868, § 20. R. Act, 1884, § 8 (6). C. Voters Act, 1861, § 43. R. Act, 1868, § 21. R. Act, 1868, § 22.
19	Do.	Objector .	{ Demand special case, appeal, and within 10 days lay certified } { copy before Court of Appeal, . . . . . }	{ B. Reg. Act, 1856, § 22. R. Act, 1868, § 20. R. Act, 1884, § 8 (6). C. Voters Act, 1861, § 43. R. Act, 1868, § 21. R. Act, 1868, § 22.
20	Do.	Registered voter		{ B. Reg. Act, 1856, § 22. R. Act, 1868, § 20. R. Act, 1884, § 8 (6). C. Voters Act, 1861, § 43. R. Act, 1868, § 21. R. Act, 1868, § 22.
21	Do. { On Sheriff's judgment being } { given . . . . . }	Any party ag- grieved .		{ B. Reg. Act, 1856, § 22. R. Act, 1868, § 20. R. Act, 1884, § 8 (6). C. Voters Act, 1861, § 43. R. Act, 1868, § 21. R. Act, 1868, § 22.
22	October. { 25th Sept. to 15th (last in- } { clusive) . . . . . }	...	{ As in Nos. 15 to 21, if Registration Court not held in } { September, . . . . . }	{ B. Reg. Act, 1856, § 22. R. Act, 1868, § 20. R. Act, 1884, § 8 (6). C. Voters Act, 1861, § 43. R. Act, 1868, § 21. R. Act, 1868, § 22.
23	On or before 16th . . . . .	Sheriff . .	Deliver revised lists of voters to Sheriff-Clerk, . . . . .	{ B. Reg. Act, 1856, § 22. R. Act, 1868, § 20. R. Act, 1884, § 8 (6). C. Voters Act, 1861, § 43. R. Act, 1868, § 21. R. Act, 1868, § 22.
24	{ Immediately after conclusion } { of Registration Courts . . }	Sheriff-Clerk.	{ Cause lists of voters to be printed, arranged in parishes and } { polling districts, . . . . . }	{ B. Reg. Act, 1856, § 22. R. Act, 1868, § 20. R. Act, 1884, § 8 (6). C. Voters Act, 1861, § 43. R. Act, 1868, § 21. R. Act, 1868, § 22.
25	On or before 31st . . . . .	Do.	{ Number the voters, sign the register so completed, print off, } { and deliver to Sheriff, . . . . . }	{ B. Reg. Act, 1856, § 22. R. Act, 1868, § 20. R. Act, 1884, § 8 (6). C. Voters Act, 1861, § 43. R. Act, 1868, § 21. R. Act, 1868, § 22.
26	{ Forthwith on lodging of special } { case . . . . . }	Court of Appeal	Hear parties, and give decision on case, . . . . .	{ B. Reg. Act, 1856, § 22. R. Act, 1868, § 20. R. Act, 1884, § 8 (6). C. Voters Act, 1861, § 43. R. Act, 1868, § 21. R. Act, 1868, § 22.
27	{ After 31st Oct., so soon as } { appeal decided . . . . . }	Sheriff . .	{ Alter register, if necessary, in accordance with decision of } { Court of Appeal, . . . . . }	{ B. Reg. Act, 1856, § 22. R. Act, 1868, § 20. R. Act, 1884, § 8 (6). C. Voters Act, 1861, § 43. R. Act, 1868, § 21. R. Act, 1868, § 22.

TABLE III.—PROCEEDINGS IN BURGH REGISTRATIONS.

No.	DATE.	OFFICER OR PARTY.	DUTIES.	SECTIONS OF ACTS.
	<i>June.</i>			
1	Before 1st . . . . .	Assessor . . . . .	Call for list of inhabitant occupiers, . . . . .	{ R. Act, 1884, § 9.
2	On or before 1st . . . . .	{ Collector of } Poor-rates . . . . .	Demand poor-rate, if not previously paid or demanded, . . . . .	{ Reg. Act, 1885, § 4.
3	Do. 20th . . . . .	{ Householder under } £10 (except on } service franchise) . . . . .	Pay poor-rate up to 15th May last, . . . . .	{ R. Act, 1868, § 3.
				{ R. Act, 1884, §§ 3, 5, 9.
4	<i>July.</i>			
	On or before 1st . . . . .	{ Collector of } Poor-rates . . . . .	{ Give to Assessor list of persons exempted, or in arrear, or } receipt of relief, . . . . .	R. Act, 1868, § 19.
	<i>September.</i>			
5	On or before 15th . . . . .	Assessor . . . . .	Prepare list of voters, and publish and advertise the same, . . . . .	{ B. Reg. Act, 1856, § 2.
6	16th to 21st (both inclusive) . . . . .	Any person . . . . .	Inspect list without fee, from 10 A.M.—4 P.M., . . . . .	{ R. Act, 1868, § 20.
7	On or before 21st . . . . .	Claimant . . . . .	Give notice of claim to Assessor, . . . . .	{ Do.
8	Do. . . . .	Objector . . . . .	Give notice to Assessor, and to party objected to, . . . . .	{ B. Reg. Act, 1856, § 3.
9	On or before 25th . . . . .	Assessor . . . . .	{ Prepare lists of claims and objections, and publish and } advertise the same, . . . . .	{ R. Reg. Act, 1856, § 4.
10	Do. . . . .	Do. . . . .	{ Deliver to Town-Clerk copies of lists of voters, claims, and } objections, . . . . .	{ R. Act, 1868, § 20.
11	{ Do. . . . . } or as soon there- } after as possible {	Town-Clerk . . . . .	Transmit to Sheriff abstract of claims and objections, . . . . .	{ B. Reg. Act, 1856, § 18.
12	Do. do. . . . .	Sheriff . . . . .	Send to Town-Clerk notice of days for Registration Courts, . . . . .	{ R. Act, 1868, § 20.
13	Do. do. . . . .	Town-Clerk . . . . .	Advertise Registration Courts, and require Assessors to attend, . . . . .	{ B. Reg. Act, 1856, § 19.
				{ R. Act, 1868, § 20.
				{ Do.

PROCEEDINGS IN BURGH REGISTRATIONS—Continued.

No.	DATE.	OFFICER OR PARTY.	DUTIES.	SECTIONS OF ACTS.
14	September. 25th to 30th (last inclusive) .	Any person .	Inspect lists of claims and objections, as in No. 6, . . . . .	{ B. Reg. Act, 1856, § 5. R. Act, 1868, § 20.
15	25th to 15th Oct. (last inclusive)	Sheriff .	Hold Registration Courts and revise lists, . . . . .	{ B. Reg. Act, 1856, §§ 19, 20, 25. R. Act, 1868, § 20.
16	Do.	Town-Clerk .	{ Lay before Sheriff the Assessor's lists, copies of last register, and valuation roll 'then in force,' . . . . .	{ B. Reg. Act, 1856, § 20. R. Act, 1868, § 20.
17	Do.	Assessor .	{ Lay before Sheriff original notices of claim and objection, . . . . .	{ B. Reg. Act, 1856, § 20. R. Act, 1868, § 20.
18	Do.	Objector .	{ Give to Sheriff notice of objection to claimant before hearing in Court, . . . . .	{ B. Reg. Act, 1856, § 22. R. Act, 1868, § 20.
19	Do.	{ Any party } { aggrieved . }	{ Demand special case, appeal, and within ten days lay certified copy before Court of Appeal, . . . . .	{ B. Reg. Act, 1856, § 22. R. Act, 1868, § 22.
20	October. 25th Sept. to 15th (last inclusive)	...	As in Nos. 15 to 19 if Registration Court not held in September, . . . . .	{ B. Reg. Act, 1856, §§ 19, 20, 22, 25. R. Act, 1868, § 20, 21.
21	On or before 16th . . . . .	Sheriff .	Deliver revised lists of voters to Town-Clerk, . . . . .	{ B. Reg. Act, 1856, § 26. R. Act, 1868, § 20.
22	{ Immediately after conclusion of Registration Courts . }	Town-Clerk .	{ Cause lists of voters to be printed, arranged in wards and polling districts, . . . . .	{ B. Reg. Act, 1856, § 29. R. Act, 1868, § 20.
23	On or before 31st . . . . .	Do.	{ Number the voters, sign the register so completed, print off, and deliver to Sheriff, . . . . .	{ B. Reg. Act, 1856, § 20. R. Act, 1868, § 20.
24	{ Forthwith on lodging of special case . }	Court of Appeal	Hear parties, and give decision on case, . . . . .	R. Act, 1868, §§ 22, 23.
25	{ After 31st Oct., so soon as appeals decided . }	Sheriff .	{ Alter register, if necessary, in accordance with decision of Court of Appeal, . . . . .	R. Act, 1868, §§ 20, 22.

**TABLE IV.**  
**SHOWING MAXIMUM ELECTION EXPENSES ALLOWED UNDER**  
**CORRUPT PRACTICES ACT, 1883.**

NUMBER OF ELECTORS ON REGISTER	MAXIMUM EXPENSES ALLOWED <sup>1</sup>	
	IN COUNTIES. <sup>2</sup>	IN BURGH. <sup>3</sup>
Not exceeding 2,000	£650	£350
"      3,000	710	380
"      4,000	770	410
"      5,000	830	440
"      6,000	890	470
"      7,000	950	500
"      8,000	1010	530
"      9,000	1070	560
"     10,000	1130	590
"     11,000	1190	620
"     12,000	1250	650
"     13,000	1310	680
"     14,000	1370	710
"     15,000	1430	740
"     16,000	1490	770
"     17,000	1550	800
"     18,000	1610	830
"     19,000	1670	860
"     20,000	1730 <sup>4</sup>	890 <sup>5</sup>

<sup>1</sup> Exclusive of candidate's personal expenses and returning officer's charges (Sch. I. Part IV.), and conveyance of voters by sea under § 48.

<sup>2</sup> Including combined counties and divisions of counties.

<sup>3</sup> Including districts of burghs and divisions of burghs, and combined universities.

<sup>4</sup> And so on, adding £60 for every complete 1000 electors above 2000.

<sup>5</sup> And so on, adding £30 for every complete 1000 electors above 2000.

*N.B.*—In the case of *joint candidates*, which in Scotland can occur only in the undivided burgh of Dundee, the maximum expenses allowed to each candidate is reduced by *one fourth*,—*e.g.*, where £800 would be allowed to a candidate standing alone, £600 only will be allowed to each of two joint candidates. *Joint candidature* is explained in Sch. I. Part V.

TABLE V.\*

GIVING A COMPLETE LIST OF ALL CORRUPT AND ILLEGAL PRACTICES WHICH AFFECT THE SEAT, AND INDICATING THE SECTION OF THE ACT OF 1883 UNDER WHICH THEY DO SO.

PRACTICES WHICH AVOID THE ELECTION.

Corrupt practices (if committed by the candidate or any agent) (ss. 4, 5, 6).					Illegal practices (if committed by the candidate or any agent) s. 11).					Illegal practices (if committed by the candidate or the election agent).					Employment of a corrupt agent by the candidate personally (Act of 1868, s. 44).					General corruption (by whomsoever committed).									
1					2					3					4					General bribery (by the common law).					General intimidation (Ibid.).				
1					2					3					4					General bribery (by the common law).					General intimidation (Ibid.).				
1					2					3					4					General bribery (by the common law).					General intimidation (Ibid.).				
1					2					3					4					General bribery (by the common law).					General intimidation (Ibid.).				
1					2					3					4					General bribery (by the common law).					General intimidation (Ibid.).				
1					2					3					4					General bribery (by the common law).					General intimidation (Ibid.).				
1					2					3					4					General bribery (by the common law).					General intimidation (Ibid.).				
1					2					3					4					General bribery (by the common law).					General intimidation (Ibid.).				
1					2					3					4					General bribery (by the common law).					General intimidation (Ibid.).				
1					2					3					4					General bribery (by the common law).					General intimidation (Ibid.).				
1					2					3					4					General bribery (by the common law).					General intimidation (Ibid.).				
1					2					3					4					General bribery (by the common law).					General intimidation (Ibid.).				
1					2					3					4					General bribery (by the common law).					General intimidation (Ibid.).				
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1					2					3					4					General bribery (by the common law).					General intimidation (Ibid.).				
1					2					3					4					General bribery (by the common law).					General intimidation (Ibid.).				
1					2					3					4					General bribery (by the common law).					General intimidation (Ibid.).				



TABLE VI.\*  
SHOWING MAXIMUM PUNISHMENTS, INCAPACITIES AND PENALTIES TO WHICH PERSONS ARE EXPOSED FOR OFFENCES AT PARLIAMENTARY ELECTIONS.

OFFENCE.	MAXIMUM PUNISHMENT.	INCAPACITIES.	PENALTIES IN CIVIL COURT.
Knowingly making a false DECLARATION as to election expenses	7 years' penal servitude, and	(1) Incapacity to sit in House of Commons for 7 years. (2) Incapable of being registered as elector or voting at any election (Parliamentary or otherwise) for 7 years. (3) Incapable for 7 years of holding any public or judicial office. (4) If a justice of the peace, barrister, &c. &c., liable to further consequences under s. 38. All the above incapacities.	
PERSONATION, or aiding, abetting, or inducing to the commission of personation Any other CORRUPT PRACTICES (viz., bribery, treating, or undue influence)	2 years' hard labour, and 1 year with or without hard labour, or fine of £200, and 1 year's imprisonment and a fine of £200	All the above incapacities.	
A CORRUPT ARRANGEMENT for the withdrawal of a petition (s. 41 of the Act of 1883)		No incapacities.	
Election Agent FAILING TO MAKE RETURN OF EXPENSES after being ordered by the Court	Fine of £500 . . . .	No incapacities.	
ILLEGAL PRACTICES . . . .	Fine of £100 . . . .	Incapable of being registered and voting at any election in the constituency, where <i>illegal practice</i> committed, for 5 years. No incapacities.	
Illegal PAYMENT, HIRING, or EMPLOYMENT	Fine of £100 . . . .	No incapacities.	
Returning officer or his deputy, partner or clerk, ACTING AS AGENT FOR ANY CANDIDATE (30 & 31 Vict. c. 102, s. 59)	Fine or imprisonment as for a common law misdemeanour . . . .	No incapacities.	
A MEMBER Sitting and VOTING after the expiration of the time limited for transmitting return of election expenses, when the return is not made	. . . . .	. . . . .	£100 a-day to any person who sues for the same
PROVIDING or GIVING COCKADES, RIBBONS, &c., to persons in constituency during election	. . . . .	. . . . .	40s. and full costs of suit to any person who sues for the same.

N.B.—The above incapacities apply to any and every person convicted of or reported as guilty of any of the offences named; but if a CANDIDATE is reported by an *Election Court* as personally guilty of any corrupt practice, in addition to all those incapacities he becomes incapable of ever being elected to or sitting in the House of Commons for the constituency in which he offended (s. 4), and if he is reported as personally guilty of any *illegal practice* he is incapable for the next seven years of sitting in the House of Commons for the constituency in which he offended (s. 11).

\* Taken by permission from Messrs. M. W. Mattinson and S. C. Macaskie's "Law relating to Corrupt Practices at Elections" (Waterlow & Sons, London).

ANALYSIS  
OF  
RECENT STATUTES  
AFFECTING  
PARLIAMENTARY ELECTIONS  
IN  
SCOTLAND.

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WE propose to arrange the Analysis under the following chapters:—

- I. Constituencies.
- II. Registration.
- III. Proceedings at Elections.
- IV. The Laws against Corrupt Practices at Elections, and for the Trial of Controverted Elections.

CHAPTER I.

CONSTITUENCIES.

IN considering the changes recently made on the Parliamentary constituencies of Scotland, it will be convenient to do so under two heads—the first, in so far as they affect the *places* represented; and the second, in so far as they affect the *persons* represented.

SECT. I. SEATS.

Before 1832, Scotland sent forty-five members to the Imperial Parliament, of whom thirty were elected by the freeholders of the counties, and fifteen by the town councils

of the burghs. By the Reform Act of that year the number of representatives was increased to fifty-three, of whom thirty were assigned to the counties, and twenty-three to the burghs. The Reform Act of 1868 increased the number of representatives to sixty, of whom thirty-two were assigned to the counties, twenty-six to the burghs, and two to the universities. The Redistribution of Seats Act, 1885, has again increased the number to seventy-two; of whom thirty-nine are assigned to the counties, thirty-one to the burghs, and two to the universities.

Section 2 of the Act of 1885 disfranchises, in Scotland, the Haddington and Wigtown districts of burghs, each of which contained a total population under the number taken as the basis of separate representation. For parliamentary purposes the burghs constituting these districts are henceforth parts of the counties within which they are situated. Certain provisions are made by § 8 of the Registration (Scotland) Act, 1885, and § 17 of the Redistribution Act, 1885, in regard to the registration of persons within the transferred areas. These will be referred to hereafter (*infra*, p. 33), when we come to deal with the subject of Registration. The last-mentioned Act further provides (§ 25) that 'where by the operation of this Act any royal or parliamentary burgh ceases as a burgh to return or to contribute to return a member to Parliament, nothing in this Act shall affect in any other respect the rights and privileges of such burgh as a royal or parliamentary burgh, or the rights, privileges, and functions of the magistrates, town council, and officers thereof.'

Section 5 gives certain additional members to Edinburgh, Glasgow, and Aberdeen.

Section 7 provides for the alteration of the boundaries of the burghs named in Schedule V.; and § 17 (explained *infra*, p. 33) will apply to the voters within the transferred areas.

Section 8 provides for the division of the burghs named in Schedule VI., which also sets forth the boundaries of the divisions. Each division is to return one member as if it were a separate parliamentary burgh. Dundee will be the only undivided burgh returning more than one member.

The provisions as to registration and election in the parliamentary divisions will be explained hereafter.

Section 9 provides for the division of the counties named in Schedule VII., which also sets forth the boundaries of the divisions. Each division is to return one member, as if it were a separate county, the divisions of Lanarkshire constituted by the Reform Act, 1868, being superseded. The provisions as to registration and election in the parliamentary divisions will be explained hereafter.

Section 20, as interpreted by § 25, gives the sheriff power, as soon as may be after the passing of the Act, to mark out 'by boundary stones, posts, or other marks,' the boundary of any parliamentary burgh or division of a burgh 'which does not follow the boundary of a parish . . . or other well-defined line of demarcation.' The expense of such marking of boundaries and of maintaining and renewing the marks is to be 'defrayed as part of the expenses of the town-clerk in the registration of voters for the parliamentary borough.'

Section 22 contains a number of definitions and provisions applicable to the Schedules of the Act. The most important of these, so far as Scotland is concerned, is that which provides that 'if any doubt arises as to the parliamentary division of a county or borough in which any parish, . . . ward, or other place, whether larger or smaller than a parish . . . or ward, is intended by the Schedules of this Act to be included, such doubt shall be determined for the year 1885 by' the sheriff (§ 25) 'having power to divide the said borough or county into polling districts; and for subsequent years, on the application of any voter, shall be determined by an order . . . in Scotland of one of Her Majesty's Principal Secretaries of State, to be made after local inquiry, and to be confirmed by Parliament.' It was held in *Cairns v. Steedman*, 3rd Nov. 1884, 12 R. 44 (see the Digest appended to this work, p. xi.) that the method of construing the description of the boundaries of burghs contained in § 5 of the Reform Act, 1832, was applicable to the description of the boundaries of a burgh constituted by the Reform Act, 1868. This judgment was chiefly based on the wide terms of § 56 of the latter Act importing the provisions of the earlier

Statute. There is no similar enactment in the Act of 1885, and it may be questioned, seeing how different are the principles on which the definitions of boundaries are framed in the Acts of 1832 and 1885, whether any of the rules contained in § 5 of the Act of 1832 can be applied to the descriptions of boundaries in the Schedules of the Act of 1885. It would be very convenient if sub-section 4 of that section were applicable as between burghs and counties.

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#### SECT. II. FRANCHISES.

Prior to 1832 the parliamentary representatives of counties were elected by the freeholders, and the parliamentary representatives of burghs by the town councils.

By the Reform Act, 1832, the franchise was conferred in *counties* on (1) the owners (joint or several) of lands or other heritable subjects, including feu-duties, of the clear annual value of £10; and (2) on tenants (joint or several), (a) for life, or for 57 years or for 19 years, not being the actual occupiers, whose interest in their leases amounted to £10 yearly, or (b) who had paid a grassum of £300, or (c) who being the actual occupiers paid a yearly rent of £50. In the case of owners, six months', and in the case of tenants, twelve months', possession previous to 31st July in each year was required as a condition of the right to be registered.

In *burghs* the franchise was conferred by the same Act on owners (joint or several) of subjects of the yearly value of £10, and on tenants (joint or several), including lodgers, so it was held, who paid a yearly rent of £10. Twelve months' occupancy prior to 31st July in each year was required, both in the case of owners and tenants.

By the Reform Act, 1868, the ownership qualification in *counties* was lowered to £5 clear yearly value, and the qualification of tenants in actual personal occupancy was reduced to £14 of annual value, as appearing on the valuation roll. In the case of owners, six months', and in the case of tenants, twelve months', possession previous to 31st July was required.

In the *burghs* the franchise was conferred by the same Act on all inhabitant occupiers of dwelling-houses, whether owners or tenants, including the occupiers of parts of dwelling-houses separately rated to the relief of the poor, and expressly on lodgers occupying premises of a clear yearly value, if let unfurnished, of £10 or upwards. Twelve months occupancy prior to 31st July in each year was required of all claimants.

The Act of 1868, for the first time, created an *University* franchise, conferring it on all members of the General Councils of the respective universities. A slight alteration on this franchise, or rather on the persons qualified to exercise it, was made by § 2 (16) of the Universities Elections Amendment (Scotland) Act, 1881, referred to *infra*, p. 40, and printed in the Appendix.

Such is a brief statement of the legislation in regard to the Parliamentary franchise prior to 1884.<sup>1</sup> We shall now explain, under several heads, the changes which have been introduced by the Representation of the People Act, 1884.

### 1. *Household Franchise.*

The most important provision of the Act of 1884 was the extension to the counties of the household franchise estab-

<sup>1</sup> Anticipating the provision in the Act of 1884 in regard to the Service Franchise, the Education (Scotland) Act, 1878, contained the following enactment:—‘Whereas doubts have arisen as to the right of a teacher of a public school under a school board, who holds office at the pleasure of the boards and who occupies, as part of the emoluments of his office, lands and heritages under the school board, to be registered as a voter, and to vote at elections for a member or members to serve in Parliament, in respect of the qualification afforded by such lands and heritages: And whereas it is expedient that such doubts should be removed, be it enacted that from and after the passing of this Act it shall be no objection to the name of any such teacher being placed on the register of voters for the burgh or county within which such lands and heritages are situate that the lands and heritages occupied by him, and on which his claim to the franchise rests, are held as part of the emoluments of his office, and at the pleasure of the school board: Provided that the rental of such lands and heritages, according to the valuation roll, shall be of sufficient annual value to qualify a voter.’ As to the construction of this section, see *Murray v. Morton*, 9th Nov. 1878, 6 R. 26; *Nicolson*, 39.

The provisions of 41 & 42 Vict. c. 5, and 43 & 44 Vict. c. 6, in regard to the effect of letting the qualifying premises as furnished houses for part of the qualifying period, not exceeding four months in the whole, will be noticed *infra*, pp. 8, 19.

lished in the burghs by the Reform Act, 1868. Section 2 enacts: 'A uniform household franchise . . . at elections shall be established in all counties and boroughs throughout the United Kingdom, and every man possessed of a household qualification . . . shall, if the qualifying premises be situate in a county in . . . Scotland, be entitled to be registered as a voter, and when registered to vote at an election for such county.' Then under § 7 (4), 'The expression, "a household qualification," means, as respects Scotland, the qualification enacted by the third section of the Representation of the People (Scotland) Act, 1868, and the enactments amending or affecting the same, and the said section and enactments shall, so far as they are consistent with this Act, extend to counties in Scotland, and for the purpose of the said section and enactments, the expression, "dwelling-house" in Scotland, means any house or part of a house occupied as a separate dwelling, and this definition of a dwelling-house shall be substituted for the definition contained in § 59 of the Representation of the People (Scotland) Act, 1868.'

In order to make clear the effect of these enactments, it is necessary to explain in some detail the nature of the household franchise as it was established in the burghs by the Act of 1868.

By § 3 of that Act it was provided that 'every man shall, in and after the year 1868, be entitled to be registered as a voter, and, when registered, to vote at elections for a member or members to serve in Parliament for a burgh, who, when the sheriff proceeds to consider his right to be inserted or retained in the register of voters, is qualified as follows,—that is to say—

'1. Is of full age, and not subject to any legal incapacity;  
' and

'2. Is, and has been for a period of not less than twelve  
' calendar months next preceding the last day of  
' July, an inhabitant occupier as owner or tenant of  
' any dwelling-house within the burgh:

' Provided that no man shall under this Section be entitled  
' to be registered as a voter who, at any time during the  
' said period of twelve calendar months, shall have been

‘exempted from payment of poor-rates on the ground of inability to pay; or who shall have failed to pay on or before the 1st day of August in the present, or the 20th day of June in any subsequent year, all poor-rates (if any) that have become payable by him in respect of said dwelling-house, or as an inhabitant of any parish in said burgh, up to the preceding 15th day of May; or who shall have been in the receipt of parochial relief within the twelve calendar months next preceding the said last day of July: Provided also, that no man shall under this section be entitled to be registered as a voter by reason of his being a joint-occupier of any dwelling-house.’

It is unnecessary to enumerate the personal (*e.g.*, as minors, women, &c.) or official (*e.g.*, as sheriffs, sheriff-clerks, town-clerks, assessors, &c.) disqualifications which affect claimants for the household franchise either in counties or burghs. These are explained at length in Election treatises. (*See* Nicolson, 20-28, 83-86.) But recently the Corrupt Practices Act, 1883, further disqualifies all persons guilty of corrupt or illegal practices (§ 36, 37), and also all paid election agents, sub-agents, polling agents, clerks, and messengers (First Schedule, Part I.). By § 10 of the Act of 1884 it is expressly provided, ‘Nothing in this Act shall confer on any man who is subject to any legal incapacity to be registered as a voter or to vote, any right to be registered as a voter or to vote.’

The qualifications for the household franchise under the Act of 1868 consisted in being ‘the inhabitant occupier as owner or tenant of any dwelling-house within the burgh.’

The expression ‘*inhabitant occupier*’ implies actual residence for the statutory period of twelve months within the county or the burgh. In regard to burghs, the provision in § 11 of the Reform Act, 1832, which permitted residence within seven miles to qualify for a vote in a burgh, does not apply to the household franchise. The leading inquiry is, What will constitute ‘residence’ or ‘inhabitant occupancy’? which are practically synonymous terms. Where a claimant has only one dwelling-place in which he and his family live, eat, and sleep throughout the year without the interruption of a single day or night, there can, of course, be no doubt



that the condition of residence is satisfied. (*See Nicolson, 111*). But such cases are not common either among the wealthy or the working classes. It is necessary, therefore, to explain what considerations will probably be looked to in determining as to the sufficiency of the residence of a claimant for this franchise. *First*, The residence must be personal. As was remarked in regard to the old burgh franchise, it will not suffice that the claimant *has a residence* within the burgh, if he does not *reside* in it (*Cay, 431*). Perhaps the best way of describing what is necessary in order to satisfy this condition of residence in a dwelling-house, is to say that the claimant must have his *home* there. *Secondly*, The residence must be continuous, but it need not be absolutely uninterrupted, provided that in leaving there is the intention to return. *Thirdly*, Absence not to destroy residence must be voluntary—that is to say, must not be the necessary consequence of the claimant's occupation or mode of life. Here the distinctions become somewhat nice. It would probably be held that the absence of a sailor or artisan, or labourer, taking work in a different district would disqualify, while the stated absences of a commercial traveller would not. *Fourthly*, It is expressly provided by 41 & 42 Vict. c. 5, that a person may be registered as an inhabitant occupier 'notwithstanding that during a part of the qualifying period, not exceeding four months in the whole, he 'shall by letting or otherwise have permitted the qualifying premises to be occupied as a furnished house by some other person.' *Fifthly*, In every case of absence an *animus revertendi* must be proved. If, therefore, a tradesman or artisan, or farm servant were to quit his house with the intention of residing elsewhere, he would be disqualified although he changed his mind almost immediately and returned to his former place of abode. *Sixthly*, It is not probable that 'double residence,' as it was called—that is to say, where a person had two houses, in each of which he spent a part of his time,—will be recognised under the recent legislation. *Seventhly*, Absence for the whole twelve months would, it is thought, disqualify in any case. (*See Nicolson, 111-113.*)

Under the Act of 1868, and now under the Act of 1884,

it is only the inhabitant occupancy of 'a dwelling-house' which confers the franchise. An important change, however, has been made by the later Act in regard to the definition of a 'dwelling-house.' By § 59 of the Reform Act, 1868, it was provided: "'Dwelling-house" shall include any part of 'a house occupied as a separate dwelling, and (in any parish 'in which poor-rates are levied) the occupier of which is 'separately rated to the relief of the poor, either in respect 'thereof or as an inhabitant of such parish.' By § 7 (4) of the Act of 1884 it is provided: 'The expression "dwelling-house" in Scotland means any house or part of a house 'occupied as a separate dwelling, and this definition of a 'dwelling-house shall be substituted for the definition contained in § 59 of the Representation of the People (Scotland) 'Act, 1868.' It is, therefore, no longer necessary in order to qualify the occupier of "part of a house" for the household franchise either in a county or burgh that he should be separately rated to the relief of the poor. It will be necessary again to refer to this question of rating, but meantime it is sufficient to say that even under the new definition it will still be necessary for a claimant to show that the 'part of 'a house' on which he claims is occupied by him and his family (if any) *separately* from all others. The premises may be very poor and small, even a single room, but for the period of occupancy claimed on the tenant must be entitled to exclude all other persons from them. This is necessary to prove the existence of a 'household,' which is the foundation of this special franchise.

By § 3 of the Act of 1868, incorporated as we have seen by § 7 (4) of the Act of 1884, it is expressly provided: 'That 'no man shall under this section be entitled to be registered 'as a voter by reason of his being a joint-occupier of any 'dwelling-house.' The effect of this is to prevent not only strangers, but members of the same family from claiming as the joint-occupiers of a dwelling-house or part of a dwelling-house. It would not, however, disqualify a person who was the sole tenant of a single-roomed dwelling-house, that he had the use of a washing-house in common with other tenants.

It is not necessary that persons claiming the household franchise should have occupied the same dwelling-house

throughout the whole twelve months. By § 13 of the Act of 1868, incorporated by § 7 (4) of the Act of 1884, 'Different premises occupied in immediate succession by any person as owner or tenant during the twelve calendar months next previous to the last day of July in any year shall have the same effect in qualifying such person to vote for a burgh or county respectively as a continued occupancy of the same premises in the manner herein provided.' All the qualifying premises must be in the same county or burgh. If a county is divided for parliamentary purposes, the premises successively occupied must all have been situated within the same division; §§ 3, 13, 59 of the Act of 1868 and §§ 7 (4), 11 of the Act of 1884. (See *Stewart v. Allan*, 9th Dec. 1868, 7 M. 315; Nicolson, 73.) In the case of burghs divided for parliamentary purposes, § 10 of the Redistribution of Seats Act, 1885, provides that: 'The occupation in immediate succession of different premises situate within a parliamentary borough shall, for the purpose of qualifying a person for voting in any division of such borough in respect of occupation (otherwise than as a lodger) have the same effect as if all such premises were situate in that division of the borough in which the premises occupied by such person at the end of the period of qualification are situate.' In the case of burghs included in a district of burghs, it is very doubtful, notwithstanding the terms of § 3 of the Reform Act, 1868, read along with § 13, and the definition of 'burgh' in § 59, whether the qualifying premises successively occupied may have been situated in more than one of the burghs constituting the district. (See Nicolson, 99.) The former opinion was that all the premises must have been occupied in the same character, that is, as owner or as tenant (see Nicolson, 82, 115); but a contrary opinion was expressed in regard to the former burgh franchise in *Hannah v. Dobbs*, 1st Nov. 1875, 3 R. 7. We shall consider hereafter the possibility of combining subjects held under the household franchise with others held under the service franchise.

The Reform Act, 1868, attached three conditions to the household franchise in burghs established by its third section—*first*, that the claimant should not have been exempted

from payment of poor-rates; *secondly*, that he should not have failed to pay poor-rates (if any) due by him; and *thirdly*, that he should not have been in receipt of parochial relief. As these conditions are by §§ 2, 7 (4) of the Act of 1884, transferred to the household franchise in counties thereby established, it is necessary to examine them briefly.

*First*, in regard to exemption from payment of poor-rates. The provision of § 3 of the Act of 1868 is 'That no man shall under this section be entitled to be registered as a voter who, at any time during the said period of twelve calendar months, shall have been exempted from payment of poor-rates on the ground of inability to pay.' It has been decided that the exemption must have been given by special resolution of the Parochial Board, on the application of the person himself,—that exemption from arrears beyond the statutory period does not disqualify, but that exemption from payment of poor-rates for any part of the statutory period will do so,—and that a person properly exempted cannot get on the register by afterwards paying his rates. (*See Nicolson, 25*). Where a person has been erroneously or improperly exempted from payment of poor-rates, the remedy is provided by § 17 of the Reform Act, 1868, incorporated by § 7 (4) of the Act of 1884.

*Secondly*, in regard to failure to pay poor-rates. The provision of § 3 of the Act of 1868 is 'that no man shall under this section be entitled to be registered as a voter . . . who shall have failed to pay on or before the . . . 20th day of June in any subsequent year, all poor-rates (if any) that have become payable by him, in respect of said dwelling-house or as an inhabitant of any parish in said burgh, up to the preceding 15th day of May.' In order to constitute a failure to pay, the rate must have been legally imposed and properly demanded. Under § 59 of the Reform Act, 1868, no occupier of 'part of a house' could be registered unless he was separately rated; but that condition has been repealed by § 7 (4) of the Act of 1884. Section 18 of the Act of 1868 contains careful provisions against any neglect on the part of the parochial authorities to demand payment of the rate; but the form in Schedule C is not imperative if a distinct notice to pay has been duly served on the claimant. (*See Nicolson, 25*). The rate requiring to be

paid is that due before the 15th May, including any arrears, but not including the rate for the current year. The rate may be paid personally or by a *bona fide* agent. The disqualification would not be avoided if the rate were paid *corruptly* by a third person; and it is doubtful whether it could be paid by a landlord for his tenant, the rate being reckoned in the rent. (See Nicolson, 25, 26.)

*Thirdly*, in regard to receipt of parochial relief. By § 3 of the Act of 1868, any person is disqualified for the household franchise 'who shall have been in the receipt of parochial relief within the twelve calendar months next preceding the said last day of July.' The parochial relief must have been relief to the claimant himself and not to an insane member of his family living with him; and it must have been such as he could demand and enforce under the Poor Law Act. *Charity* from a public or private source (even a parochial fund) will not disqualify, neither will legal relief afforded in the interval between 31st July and the holding of the Registration Court. (See Nicolson, 27, 86; and *Davidson v. Cannon*, 13th Nov. 1879, 7 R. 41.)

Subject, then, to the same disqualifications and conditions, the household franchise established in the burghs in 1868 was extended to the counties by the Act of 1884.

## 2. Service Franchise.

The service franchise is only a variety of the household franchise; but it will be convenient to treat it under a separate heading.

As we have seen, § 3 of the Reform Act, 1868, conferred the franchise on 'inhabitant occupiers,' as owners or tenants of dwelling-houses. It was decided that any one occupying a dwelling-house under a right defeasible at the will of another, was not to be regarded as a tenant within the meaning of the Act, and was therefore not entitled to be registered. (See Nicolson, 106, 109). The effect of this was to disqualify officials and servants of all kinds who occupied houses from which they were liable to be removed on their dismissal from office or employment. So long as the household franchise was confined to the burghs this disability did not operate widely; but it was obvious that if a similar

franchise were established in the counties, where agricultural and other servants generally occupy houses belonging to their employers as part of their wages, its operation, if unchecked, would be extensive. Accordingly, § 3 of the Act of 1884 provides, 'Where a man himself inhabits any dwelling-house by virtue of any office, service, or employment, and the dwelling-house is not inhabited by any person under whom such man serves in such office, service, or employment, he shall be deemed for the purposes of this Act, and of the Representation of the People Acts, to be an inhabitant occupier of such dwelling-house as a tenant.' This provision applies both to counties and burghs.

With the exception to be immediately mentioned, the conditions and provisions affecting the ordinary household franchise above explained affect also the service franchise. The claimant must establish his inhabitant occupancy of a dwelling-house in a burgh or county, as the case may be, in the same manner as an ordinary tenant must have done. He will have, in so doing, the benefit of the principle of successive occupancy, as above explained, and may rest his claim on twelve months' occupation of different houses under the same employer or under different employers, provided that the different premises are occupied in immediate succession. If a servant were to occupy the same house for six months under one employer, and for the immediately succeeding six months under another employer, he would probably be entitled to be registered. If, again, a person occupied a dwelling-house as an ordinary tenant for six months, and then for the immediately succeeding six months occupied the same or a different house 'by virtue of any office, service, or employment,' it is thought he would be entitled to the franchise, provided in regard to the rented house he had satisfied the conditions of § 3 of the Reform Act, 1868, as to rating and payment of rates. The last mentioned case, however, is not free from doubt.

In regard to rating and payment of rates generally, as the names of agricultural servants and other persons occupying houses in counties 'by virtue of any office, service, or employment' did not appear on the Valuation Roll, they were not liable to be rated or pay rates. Under § 9 of the Act of

1884 the names of all such inhabitant occupiers must be entered in the 'rate book'; and, accordingly, subsection 5 of that section provides that 'in the application of this section to Scotland, the expression "rate book" means the Valuation Roll, and where a man entered on the Valuation Roll by virtue of this section inhabits a dwelling-house by virtue of any office, service, or employment, there shall not be entered in the Valuation Roll any rent or value against the name of such man as applicable to such dwelling-house, nor shall any such man by reason of such entry become liable to be rated in respect of such dwelling-house.' Subsection 9 of the same section provides for the case of a dwelling-house in respect of which no person is rated, by reason of its belonging to the Crown, or on any other ground of exemption. Provision is thus made for the names of all persons entitled to the service franchise appearing on the Valuation Roll, and also for their freedom from rating.

The disqualification arising from receipt of parochial relief affects claimants of the service franchise as well as other inhabitant occupiers.

Some of the most difficult questions in connection with the service franchise will arise from the interpretation which may be put on the words of § 7 (4) of the Act of 1884, 'Any house or part of a house occupied as a separate dwelling,' and on the provision of § 3 of the Reform Act, 1868, incorporated by §§ 2, 3, 7 (4) of the Act of 1884, 'Provided also that no man shall under this section be entitled to be registered as a voter by reason of his being a joint-occupier of any dwelling-house.' On the one hand, it will probably be held that where two or more servants together occupy a 'bothy' none of them will be entitled to be registered. The same result will obtain where one or more servants sleep in their master's house and eat in a servants'-hall or in a farm-kitchen. On the other hand, where a care-taker occupies a room, *e.g.*, on the basement-floor of an office, he will certainly, and where a servant sleeps and eats in a separate apartment, *e.g.*, above a detached laundry or stable, he will, it is thought, be entitled to the franchise. It is difficult to say what decision will be come to in the case of a man who

occupies a separate sleeping apartment, *e.g.*, above a detached laundry or stable, but takes his meals in his master's kitchen, or in a servants'-hall; and the case would be still more difficult if a man occupying such a separate sleeping apartment were on board wages, and took his meals outside his master's premises altogether.

### 3. *Lodger Franchise.*

Before 1868 lodgers were admitted to the franchise under the Reform Act, 1832, as tenants of apartments in a dwelling-house let furnished for a weekly, monthly, or other termly rent or payment. A lodger differs from an ordinary tenant in so far as he has no direct connection with the house or its furniture, but has merely the sole and separate use of a certain portion of both, under arrangement with the actual occupier. His name is not entered on the Valuation Roll, and he is not liable in poor-rates. In burghs the lodger franchise was the subject of express enactment under the Reform Act, 1868. Section 4 provided that 'every man ' shall in and after the year 1868 be entitled to be registered ' as a voter, and when registered to vote for a member or ' members to serve in Parliament for a burgh, who is qualified ' as follows (that is to say):—

- ' 1. Is of full age, and not subject to any legal incapacity ;  
' and
- ' 2. As a lodger has occupied in the same burgh separately,  
' and as sole tenant, for the twelve months preceding  
' the last day of July in any year, lodgings of a  
' clear yearly value, if let unfurnished, of £10 or  
' upwards; and
- ' 3. Has resided in such lodgings during the twelve months  
' immediately preceding the last day of July, and  
' has claimed to be registered as a voter at the next  
' ensuing registration of voters.'

The following points are to be noted in regard to the lodger franchise thus constituted:—(1.) The conditions or disqualifications arising from age and legal incapacity apply as in the household franchise. (2.) Lodgings of the necessary value must have been personally occupied within the burgh (defined by § 59 to include a district of burghs) for



twelve months before 31st July, but not, it would seem, necessarily down to the holding of the Registration Court. (3.) The lodger must have occupied 'separately and as sole tenant,' thereby excluding the claims of joint-lodgers. (4.) The principle of successive occupancy, as contained in § 13 of the Act of 1868, applied to lodgers occupying different lodgings, either in the same house or in different houses. (5.) The conditions as to payment of rates do not apply to lodgers whose names, as already explained, do not appear on the Valuation Roll, and who are not liable to any local rate. (6.) The condition as to receipt of parochial relief is obviously inapplicable. (7.) Lodgers must claim every year.<sup>1</sup>

The Act of 1884 (§ 2) enacts '... a uniform lodger franchise at elections shall be established in all counties and boroughs throughout the United Kingdom, and every man possessed of ... a lodger qualification shall, if the qualifying premises be situated in a county in ... Scotland, be entitled to be registered as a voter, and, when registered, to vote at an election for such county.' Further, § 7 (5) declares, 'The expression, "a lodger qualification" means, as respects Scotland, the qualification enacted by the fourth section of the Representation of the People (Scotland) Act, 1868, and the enactments amending or affecting the same, and the said section and enactments, so far as they are consistent with this Act, shall extend to counties in Scotland.' It follows that, subject to the observations about to be made, all the conditions of the lodger franchise in the burghs, as constituted by the Act of 1868, and above explained, will apply to the lodger franchise in the counties established by the Act of 1884.

In the first place, the English Reform Act, 1867, did not disqualify joint-lodgers as the Scotch Reform Act, 1868, did. In order to assimilate the franchise in the two countries, it has now been enacted by § 13 of the Registration Act, 1885, that 'where lodgings are jointly occupied by more than one lodger, and the clear yearly value of the lodgings if let unfurnished is of an amount which, when divided by the number of the lodgers, gives a sum of not less than £10 for

<sup>1</sup> See *Nicolson*, 95, 104; *Adair v. M'Bride* and *Donald v. Adair*, 13th Nov. 1879, 7 R. 38.

‘each lodger, then each lodger, if otherwise qualified, and subject to the conditions of the Representation of the People (Scotland) Act, 1868, and of the Representation of the People Act, 1884, shall be entitled to be registered, and when registered to vote, as a lodger, provided that not more than two persons, being such joint-lodgers, shall be entitled to be registered in respect of such lodgings.’

In the second place, as already stated, it has been enacted by § 10 of the Redistribution of Seats Act, 1885, that ‘the occupation in immediate succession of different premises situate within a parliamentary borough shall, for the purpose of qualifying a person for voting in any division of such borough in respect of occupation (*otherwise than as a lodger*), have the same effect as if all such premises were situate in that division of the borough in which the premises occupied by such person at the end of the period of qualification are situate.’ Under this enactment it would appear, although the reason for the distinction is not very obvious, that while any other claimants moving from qualifying premises in one division of a burgh to similar premises in another division, may claim in respect of their successive occupancy, lodgers may not do so. In Scotland, as above stated, it would seem to be doubtful whether, under the Act of 1868, persons who had successively occupied lodgings in two burghs of a district of burghs could claim in respect of such successive occupancy.

#### 4. *Occupation Franchise.*

Section 5 of the Act of 1884 enacts: ‘Every man occupying any land or tenement’ [and by § 11 the expression “land or tenement” includes any part of a house separately occupied for the purpose of any trade, business, or profession, and that expression, and also the expression “hereditament” when used in this Act in Scotland, includes “lands and heritages,”] ‘in a county or borough in the United Kingdom of a clear yearly value’ [and by § 11 the expression “clear yearly value,” as applied to any land or tenement, means in Scotland “the annual value as appearing in the valuation roll”] ‘of not less than £10, shall be entitled to be registered as a voter, and when registered to

' vote at an election for such county or borough in respect of  
 ' such occupation subject to the like conditions respectively  
 ' as a man is, at the passing of this Act, entitled to be  
 ' registered as a voter and to vote at an election for such  
 ' county in respect of the county occupation franchise, and  
 ' at an election for such borough in respect of the borough  
 ' occupation franchise.' Then by § 7 (6) the expression  
 ' "county occupation franchise" means . . . as respects  
 ' Scotland, the franchise enacted by the sixth section of the  
 ' "Representation of the People (Scotland) Act, 1868;" and  
 ' by § 7 (7) the expression "borough occupation franchise"  
 ' means . . . as respects Scotland, the franchise enacted by  
 ' the eleventh section of the Act of the Session of the second  
 ' and third years of the reign of King William the Fourth,  
 ' chapter sixty-five.' Further, by § 7 (8) it is provided that  
 ' any enactments amending or relating to the county occupa-  
 ' tion franchise or borough occupation franchise other than  
 ' the sections in this Act in that behalf mentioned, shall be  
 ' deemed to be referred to in the definition of the county  
 ' occupation franchise, and the borough occupation franchise  
 ' in this Act mentioned.'

It will be convenient to consider the cases of counties and burghs separately:—

(1.) *County Occupation Franchise.*

Section 6 of the Reform Act, 1868, is in these terms:—

' Every man shall be entitled to be registered as a voter, and  
 ' when registered to vote at elections for a member to serve  
 ' in Parliament for a county, who, when the Sheriff proceeds  
 ' to consider his right to be inserted or retained in the  
 ' register of voters, is qualified as follows; that is to say,—

- ' 1. Is of full age, and not subject to any legal incapacity; and
- ' 2. Is, and has been during the twelve calendar months  
     ' immediately preceding the last day of July, in the  
     ' actual personal occupancy as tenant of lands and  
     ' heritages within the county, of the annual value  
     ' of £14 or upwards, as appearing on the Valuation  
     ' Roll of such county:

' Provided that no man shall under this section be entitled  
 ' to be registered, who, at any time, during the said period of

‘ twelve calendar months, shall have been exempted from payment of poor-rates on the ground of inability to pay ; or who shall have failed to pay on or before . . . the 20th day of June in any subsequent year, all poor-rates (if any) that have become payable by him in respect of said lands and heritages up to the preceding 15th day of May ; or who shall have been in the receipt of parochial relief within twelve calendar months next preceding the said last day of July.’

The only alteration which § 5 of the Act of 1884 makes on this section is to substitute an annual value of £10 and upwards for an annual value of £14 and upwards as the qualifying value for the occupation franchise in counties. Every other requisite and condition of the franchise as established by § 6 of the Act of 1868 remains unaltered, whether as regards disqualifications, title of tenancy, character of qualifying premises, or nature and endurance of occupancy. (*See Nicolson, 21, 42, 59, 71, 77.*) Formally it is true § 6 is repealed by § 12 of the Act of 1884, ‘ except in so far as the enactments so repealed contain conditions made applicable by this Act to any franchise enacted by this Act.’ But as we have seen, § 5 of the Act of 1884 maintains in regard to the county occupation franchise all the conditions contained in § 6 of the Act of 1868, except the qualifying value. The principle of successive occupancy is also applicable ; but, as was the case under the Act of 1868, premises in one division of a county divided by the Redistribution Act, 1885, cannot be combined with premises in another division of the county, although occupied in immediate succession, so as to afford a qualification. (*See § 9, and Nicolson, 73.*) The provision of 43 & 44 Vict. c. 6 will also apply, whereby it is enacted that a person may be registered under § 6 of the Reform Act, 1868, as the occupant of a house in a county ‘ notwithstanding that during a part of the qualifying period, not exceeding four months on the whole, he shall by letting or otherwise have permitted the qualifying premises to be occupied as a furnished house by some other person.’

## (2.) *Burgh Occupation Franchise.*

Section 11 of the Reform Act, 1832, is in these terms :

‘ \*Every person, not subject to any legal incapacity, shall be

'entitled to be registered as hereinafter directed, and to  
'vote at elections for any of the cities, burghs, or towns, or  
'districts of cities, burghs, or towns hereinbefore mentioned,  
'who, when the sheriff proceeds to consider his claim for  
'registration, shall have been, for a period of not less than  
'twelve calendar months next previous to the . . . last day  
'of July in any future year, in the occupancy either as  
'proprietor, tenant, or liferenter of any house, warehouse,  
'counting-house, shop, or other building within the limits of  
'such city, burgh, or town which, either separately or jointly  
'with any other house, warehouse, counting-house, shop, or  
'other building within the same limits, or with any land  
'owned and occupied by him, or occupied under the same  
'landlord, and also situate within the same limits, shall be of  
'the yearly value of £10: Provided always that the claimant  
'shall have paid on or before the . . . 20th day of July in  
'any future year, all assessed taxes which shall have become  
'payable by him in respect of such premises previously to  
'the 6th day of April then next preceding.\* Provided also,  
'that no such person shall be entitled to be registered or to  
'vote in . . . any future year unless he shall have resided  
'for six calendar months next previous to . . . the last day  
'of July in any future year within such city, burgh, or town,  
'or within seven statute miles of some part thereof: Pro-  
'vided also, that persons so resident shall be entitled to be  
'registered and to vote, if they are the true owners of such  
'premises as are hereinbefore mentioned, within such city,  
'burgh, or town, of the yearly value of £10 or upwards, although  
'they should not occupy any premises within its limits, or  
'although the premises actually occupied by them should be  
'of less yearly value than £10; and that the husbands of  
'such owners shall be entitled to vote, either in the lifetime  
'of their wives, or after their death if then holding such  
'property by the courtesy of Scotland: Provided also, that no  
'person shall be entitled to be registered or to vote for any  
'city, burgh, or town, who shall have been in the receipt of  
'parochial relief within twelve calendar months previous to  
' . . . the last day of July in any succeeding year.'

As in the case of the county occupation franchise under  
§ 6 of the Reform Act, 1868, the Act of 1884 (§ 12) has

formally repealed the first two provisions of § 11 of the Act of 1832, just quoted, 'except in so far as the enactments 'so repealed contain conditions made applicable by this Act 'to any franchise enacted by this Act.' This reservation, it seems to us, includes all the provisions of § 11. Every requisite and condition of the burgh occupation franchise established by it remains unaltered, whether as regards disqualifications, title of ownership or tenancy, character of qualifying premises, or nature and endurance of occupancy. (*See Nicolson, 83-115.*) The principle of successive occupancy will also apply, as embodied in § 12 of the Reform Act, 1832, and in § 10 of the Redistribution Act, 1885.

It is also to be kept in mind in construing the provisions of § 11 of the Act of 1832, that by § 13 (3) of the Redistribution Act, 1885, 'for the purpose of determining the distance 'of the residence of any voter, and for all purposes of and 'incidental to the registration of voters in a parliamentary 'borough, divided into divisions, . . . all the divisions shall 'be deemed to form the same parliamentary borough.'

### 5. *Restrictions on Existing Franchises.*

#### *Savings.*

#### (1.) *As to Feu-duties, &c.*

Under § 7 of the Reform Act, 1832, 'feu-duties' expressly afforded a qualification in counties to the owner or superior. It was held that they did not afford a qualification in burghs. (*See Nicolson, 99.*) The Reform Act, 1868, while it reduced the ownership qualification in counties from £10 to £5 in respect of all 'lands and heritages' within the definition contained in § 42 of the Valuation Act (17 & 18 Vict. c. 91), did not reduce it in respect of 'feu-duties' which do not fall within that definition. (*See Nicolson, 50.*) The Act of 1884 now declares (§ 4) that 'subject to the saving in this Act 'for existing voters . . . a man shall not be entitled 'to be registered as a voter in respect of the ownership 'of any rent-charge;' . . . and by § 11, 'the expression '"rent-charge" includes . . . a feu-duty in Scotland . . . 'and any rent or annuity granted out of land.' Subject, therefore, to the rights of existing voters, no one can here-

after claim to be registered under any of the Reform Acts in respect of the ownership of feu-duties or ground-annuals, or in respect of an annuity out of land as distinguished from a liferent. (*See Nicolson, 37.*)

(2.) *As to Joint-Owners.*

Before 1832, where property was held *pro indiviso*, none of those interested could claim to be enrolled in respect of it. (*See Nicolson, 34.*) Under the Reform Act, 1832 (§ 8), all joint-owners, whatever their number, could claim to be registered, 'provided the share or interest of each joint-owner so claiming on such property is of the yearly value of £10, as above specified, but not otherwise.' This provision having given great facilities for the creation of fagot votes, the Reform Act, 1868, while reducing the county ownership qualification from £10 to £5, and the county occupation franchise from £50 to £14, enacted (§ 14) that 'no greater number of persons than two shall be entitled to be registered as joint-owners or joint-tenants of the same lands and heritages, unless their shares or interests in the same shall have come to them by inheritance, marriage, marriage-settlement, or *mortis causa* conveyance, or unless such joint-owners or joint-tenants shall be *bona-fide* engaged as partners carrying on trade or business in or on such lands and heritages.'

In the construction of this restrictive enactment certain principles were admitted and certain decisions were come to by the Registration Appeal Court, which it will be convenient to notice briefly, in so far as they relate to joint-owners, before referring to the additional restriction introduced by the Act of 1884. It was admitted that unless the joint property was of sufficient value to afford a vote to each joint-owner, none of the joint-owners could be registered unless their shares were unequal, which was not to be presumed, the *onus* of proving such inequality resting on the claimants. (*See Nicolson, 35.*) It was held that the rule applied to joint-owners of every kind, including liferenters and long lease holders. (*See Nicolson, 34.*) The restriction was held to apply to the members of a building society who were not considered as 'carrying on trade or business in or

‘on’ the premises owned by the society. (See Nicolson, 34.) Lastly, it was decided in one case (*Craig v. M’Kie*, 24th Oct. 1870, 9 M. 6), that while the same property could not confer a qualification on more than two joint-owners who had acquired their rights by purchase, it might at the same time confer a qualification on a third joint-owner who had acquired his right by ‘inheritance, marriage, marriage-settlement, or *mortis causa* conveyance.’ Although this last decision is of doubtful authority, it is worth while to quote the opinions of the learned judges who concurred in it, as showing the unwillingness which prevails to limit measures of enfranchisement. ‘LORD ARDMILLAN.— . . . Clause 14 is not very ‘accurately expressed; it is open to construction, and the ‘construction must be reasonable; and I think its meaning ‘is this: There shall be no division at all of joint property ‘into more than two votes, except where the party claiming ‘such division takes his share by inheritance. I think it is ‘too critical to construe “their” as excluding “his.” The ‘meaning of the words is just this: that no third man can ‘get on unless his share comes by inheritance. LORD ‘ORMIDALE.—I have very great difficulty about this case, ‘but I must keep in view that this is an enfranchising ‘statute, and that we are entitled and bound to give it a ‘liberal interpretation. In reason it is impossible to dispute ‘the fairness of the claim of a party succeeding by inheri- ‘tance to get upon the roll, notwithstanding that two are ‘on it already. *It is not to be presumed that any man ‘would die or kill himself in order to allow his successor to ‘come upon the roll. Therefore, looking to the reason of the ‘thing, and giving a fair and liberal interpretation to the ‘statute, I cannot say that I differ; though, if both your ‘Lordships had taken the opposite view, I might possibly ‘have concurred in that. LORD BENHOLME.—This is a ‘puzzling case, and my reason for concurring is that your ‘Lordships are agreed. Had it not been so I should have ‘had serious doubt, for I can imagine cases where the statute ‘might be set at naught through the construction we are ‘putting upon it. But this is a kind of case where it is ‘better that the Court should not be divided, and a liberal ‘construction of the statute will lead to the retention of these*



'voters on the roll' Probably no claimants ever more narrowly escaped with their votes.

We have already referred to the first part of § 4 of the Act of 1884, which declares that feu-duties shall no longer afford a qualification. The second part of the clause deals with the case of joint-owners, carrying the principle of restriction still farther than was done by § 14 of the Reform Act, 1868, just referred to. The provision is in these terms: 'Subject to the saving in this Act for existing voters . . . where two or more men are owners, either as joint-tenants or as tenants in common' [and by § 11 the expressions "joint-tenants" and "tenants in common," shall include "*pro indiviso*" "proprietors"] 'of an estate in any land or tenement' [and by § 11 the expression "land or tenement" includes any part of a house separately occupied for the purpose of any trade, business, or profession, and that expression . . . when used in this Act, in Scotland includes "lands and heritages"], 'one of such men, but not more than one, shall, if his interest is sufficient to confer on him a qualification as a voter in respect of the ownership of such estate, be entitled (in the like cases and subject to the like conditions, as if he were the sole owner) to be registered as a voter, and when registered to vote at an election. Provided that where such owners have derived their interest by descent, succession, marriage, marriage settlement, or will, or where they occupy the land or tenement' [as above defined], 'and are *bona fide* engaged as partners carrying on trade or business thereon, each of such owners whose interest is sufficient to confer on him a qualification as a voter shall be entitled (in the like cases, and subject to the like conditions, as if he were sole owner) to be registered as a voter in respect of such ownership, and when registered to vote at an election, and the value of the interest of each such owner where not otherwise legally defined shall be ascertained by the division of the total value of the land or tenement equally among the whole of such owners.'

It is obvious that this restrictive provision affects all claimants on joint ownership, under whatever Act the claim is made and whether the claim is made in a county or a burgh. Again, in the case of joint property acquired by purchase, no

one will be entitled to be registered in respect of it, unless the value of the whole is sufficiently large to yield, when divided by the number of joint-owners, a franchiseable value to each, except where it is 'legally' proved that the interests are unequal, and that the interest of the claimant is of the statutory value. From the way in which § 4 of the Act of 1884 is expressed, it is thought no question can be raised such as that dealt with in the case of *Craig v. McKie* above mentioned, under § 14 of the Act of 1868. The benefit of the proviso as to joint ownership derived by descent, &c., seems to be pleadable only where all the joint-owners have acquired their rights in one or other of the modes specified in the proviso. It is not clear whether one joint-owner could claim in respect of his having acquired his interest in one of the favoured ways, and another in respect of his having done so in a different, but still favoured, way. Probably the statute would be liberally interpreted in such a case. It would no doubt be held in construing the Act of 1884, as it was held under the similar provision in § 14 of the Act of 1868, that the members of a building society are not to be considered as 'partners carrying on trade or business' on the premises owned by the Society. (*See Nicolson*, 34.)

Section 4 expressly provides that where joint-owners claim 'the value of the interest of each such owner, where not otherwise legally defined, shall be ascertained by the division of the total value of the land or tenement equally among the whole of such owners.' The *onus* of proving inequality of interest will lie on the claimant asserting it, and probably as the question is one depending on the ownership of land, only written evidence will be admissible, sufficient to establish the inequality as between the joint-owners themselves. (*See Blair v. Torrance*, 19th Dec. 1868, 7 M. 319; *Crawford v. Johnstone*, 4th Nov. 1879, 7 R. 3; (both cases relating to joint tenants); and *Nicolson*, 34-5, 48-9, 88-91.)

The terms employed in describing the favoured modes of acquiring or holding property are similar to, but not identical with, those employed in what was known as the Succession Clause in § 7 of the Reform Act, 1832. The terms are hardly those which would have been selected by a Scotch

conveyancer; but probably, having regard to the change introduced by § 20 of the Titles to Land Consolidation (Scotland) Act, 1868, the expressions 'descent, succession, . . . will' would be held to cover all cases of property passing from the dead to the living, either *ab intestato* or under deed. The terms 'marriage, marriage settlement' refer to the cases of husbands of owners, husbands of terciers, and courtesy-holders. (*See Nicolson, 70, 74*).

(3.) *Savings.*

Under § 6 of the Reform Act, 1832, the rights of the freeholders then on the roll, and, subject to the provisions of § 35 of the Act, of persons possessing the qualification of freeholders as at 31st March, 1831, although not enrolled at the passing of the Act, were reserved to the effect of enabling them to remain or be placed on the register of voters for counties.

Again, by § 56 of the Reform Act, 1868, it was provided that 'the franchises conferred by this Act shall be in addition to, and not in substitution for, any existing franchises, but so that no person shall be entitled to vote for the same place in respect of more than one qualification.'

The Act of 1884 deals in a somewhat different and more complicated manner with the franchises previously existing; but it preserves fully all personal rights in respect of these franchises. In regard to the latter it is enacted by § 10: 'Nothing in this Act shall deprive any person (who at the date of the passing of this Act is registered in respect of any qualification to vote for any county or borough) of his right to be from time to time registered and to vote for such county or borough in respect of such qualification in like manner as if this Act had not passed. Provided that where a man is so registered in respect of the county or borough occupation franchise by virtue of a qualification which also qualifies him for the franchise under this Act, he shall be entitled to be registered in respect of such latter franchise only.'

The primary enactment of the section just quoted raises no difficulties. Its effect is limited to the case of persons actually on the register at the date of the passing of the Act

(6th December, 1884), their rights to be registered being fully preserved, even it would seem if at the date of some intervening registration these rights had been suspended,—*e.g.*, by failure to pay poor-rates.

But some difficulty will probably be felt in interpreting the proviso also above quoted. It will be more convenient, however, to deal with this when we come to consider the subject of registration (*infra*, p. 32).

In regard to the county and burgh occupation franchises constituted by §§ 9, 11 of the Reform Act, 1832, and § 6 of the Reform Act, 1868, it is expressly declared by § 12 of the Act of 1884 that 'the franchises conferred by this Act,' by which we understand the county and burgh occupation franchises constituted by § 5, 'are in substitution for the franchises conferred by the enactments,' in the Acts of 1832 and 1868 just mentioned. Accordingly, § 12 proceeds to repeal that portion of § 9 of the Act of 1832 which confers the franchise on tenants on £50 occupancy and £300 grassum 'except in so far as relates to the rights of persons saved by 'this Act.' It further repeals that portion of § 11 of the Act, of 1832 which deals with the £10 occupation franchise in burghs, and § 6 of the Act of 1868, which constituted the £14 occupation franchise in counties, 'except in so far as 'relates to the rights of persons saved by this Act, and except 'in so far as the enactments so repealed contain conditions 'made applicable by this Act to any franchise enacted by 'this Act.' We have already pointed out that except in regard to the value qualifying for the county occupation franchise, all the conditions contained in the formally repealed enactments are made applicable to the occupation franchise enacted by § 5.

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## CHAPTER II.

### REGISTRATION.

It will be convenient to consider the recent changes on the system of registering parliamentary voters under several headings.

### 1. *In Counties and Burghs.*

#### (1.) *Valuation Roll.*

As the register of voters, both in counties and burghs, is based on the Valuation Roll (*see* Nicolson, 123, 129, 165), certain provisions have been made in the recent Acts bearing on the preparation and form of these rolls.

Prior to 1884 the form of the Valuation Roll both for counties and burghs was determined by § 5 of the County Voters Act, 1861,—the contents of the roll being further regulated by § 4 of that Act, by the Valuation Act of 1854, and by §§ 15 and 16 of the Reform Act, 1868.

By § 3 (4) of the Registration (Scotland) Act, 1885, a new form of Valuation Roll (contained in the Schedule to the Act) is provided, applicable both to counties and burghs. This form may be varied by an Order in Council under § 3 (1) (2) (3), and a minor modification may be made by the commissioners of supply of any county if they shall so determine. Further provisions in regard to the contents of the roll are made by §§ 3 (4) and 6 of the same Act and by § 9 of the Reform Act, 1884. The more important of these provisions are,—that all dwelling-houses (as defined in § 7 (4) of the Act of 1884) with the names of their inhabitant occupiers must be entered in the rolls both for counties and burghs,—that where the name of an inhabitant occupier occupying any dwelling-house ‘by virtue of any office, service, or employment’ is entered on the roll no ‘rent or value’ shall be placed ‘against the name of such man as applicable to such ‘dwelling-house,’—and that the proviso to § 2 of the Valuation Act which conferred on commissioners of supply of counties and magistrates of burghs the power to omit from the roll ‘the names or designations of the tenants or occupiers of any ‘lands and heritages separately let for a shorter period than ‘one year or at a rent not amounting to £4 per annum’ is repealed. The law in regard to the printing of the Valuation Roll is amended by § 12 of the Registration Act, 1885.

#### (2.) *Formation of Register of Voters.*

Prior to 1884, while the system of registration was in most respects the same in counties and burghs, there were con-

siderable differences, especially as respects the dates at which the different stages had to be taken, between the provisions of the Burgh Registration Act of 1856 and the County Voters Act of 1861. Further, while the latter Act merely provided for an annual correction of the old Register, the former Act directed the preparation of a totally new Register each year. (*See* Nicolson, 129 *et seq.*, 137, note <sup>2</sup>, 145, 166, *et seq.*). The principal change introduced by the recent legislation is the assimilation of the forms and proceedings in counties to the forms and proceedings as heretofore used and taken in burghs. In England and Ireland the changes have been made the subject of very detailed supplementary legislation in the Registration Amendment Acts for these countries passed in 1885. In Scotland, except in a few particulars to be hereafter mentioned, the alteration has been effected in general terms only by § 8 (6) of the Reform Act, 1884, which provides that 'in Scotland all enactments of the 'Registration Acts which relate to the registration of persons 'entitled to vote in burghs, including the provisions relating 'to dates, shall, with the necessary variations, and with the 'necessary alterations of notices and other forms, extend and 'apply to counties as well as to burghs; and the enactments 'of the said Acts which relate to the registration of persons 'entitled to vote in counties shall, so far as inconsistent with 'the enactments so applied, be repealed: Provided that in 'counties the Valuation Rolls, registers, and lists shall continue 'to be arranged in parishes as heretofore.'

It would be beyond our present design to indicate in detail here the 'necessary variations' and 'necessary alterations of 'notices and other forms,' which will have to be made on the provisions of the Burgh Registration Act of 1856 in order to adapt them to the registration of county voters. We have, however, endeavoured to exhibit the principal results of such adaptation in the Tables prefixed to this work. We have also received permission to print in the Appendix the adaptation of the Act of 1856, circulated by the Lord Advocate to the officials concerned in the work of registration. Of course, this adaptation is not authoritative, but it has been prepared with great care.

Elsewhere (Nicolson, 129-164, 165-194) we have explained

in much detail the procedure which, prior to 1885, obtained in the counties and burghs respectively. It is only by a careful comparison of the two methods that a practical result can be reached. But generally it may be laid down that—

Wherever the provisions of the Acts of 1856 and 1861 both deal with the same subject, and deal with it differently, those of the Act of 1856 must prevail, *e.g.*, as to dates. In other cases it is thought the provisions of the Act of 1861 should still be observed,—*e.g.*, in regard to the publication of lists on church doors. The provisions also in regard to the expenses of registration must continue to be regulated by § 41 of the County Voters Act, and § 42 of the Reform Act, 1868. But the cost of copies of lists or registers will be regulated by the scale contained in Schedule B of the Act of 1856, as amended by § 19 of the Reform Act, 1868. (*See Nicolson, 159, 182.*)

We shall now refer to some of the miscellaneous changes produced by the recent Acts.

In regard to the general arrangement of the lists and register of voters, we have just seen that under § 8 (6) of the Reform Act, 1884, the burgh forms are to be used in the counties with the 'necessary variations' and 'alterations,' it being specially provided that in counties the registers and lists 'shall continue to be arranged in 'parishes as heretofore,' and by § 7 of the Registration Act, 1885, that 'where a parish is divided into, or forms part of, 'more than one polling district, the register of voters for 'such parish shall be made up separately for each polling 'district.' In divided counties the registers will, as was provided under §§ 19, 42, of the Reform Act, 1868, which it is thought are to be held as incorporated by § 9 (3) of the Redistribution Act, 1885, be made up separately for each division as if it were a separate county, the cost being a charge upon the whole county. In undivided burghs no change is made; and by § 13 (3) it is provided that 'for all 'purposes of and incidental to the registration of voters in a 'parliamentary borough divided into divisions . . . all the 'divisions shall be deemed to form the same parliamentary 'borough: Provided that the lists and register of voters for 'the borough shall be framed, printed, and arranged in parts 'so as to correspond to the divisions thereof, and the voters

‘in each division shall be numbered in a separate series.’ Substantially the same provision in regard to divided burghs is made by § 13 (5) of the Redistribution Act, 1885.

We have elsewhere (Nicolson, 129 *et seq.*, 165 *et seq.*) explained the existing law as to the appointment and duties of the assessor who is charged with the earlier portion of the work of registration both in counties and burghs. In regard to the appointment of the assessor, no permanent change seems to be contemplated in burghs (whether divided or undivided) or in undivided counties. In divided counties it is provided by § 10 of the Registration Act, 1885, that ‘it shall be lawful for the commissioners of supply to appoint the present assessor or assessors for such county to make up the register of voters in the several divisions of the county, and to apportion the divisions among the assessors in such manner as the commissioners may determine, but until they shall otherwise determine, the assessor now appointed for the purpose of making up the register of any division, or the greater part of the area thereof, shall continue to act as the assessor for such division.’ To relieve the temporary pressure which may be felt, it is provided by § 16 of the same Act that ‘during the year 1885, it shall be lawful for the assessors, with the consent of the commissioner of supply and of the town council, in counties and burghs respectively, to employ such assistants as may be necessary in order to complete the registration of voters at every stage at the proper date.’ Complaint having probably been made as to the concentration of offices in the hands of one individual, it is provided by § 11 of the Act that ‘it shall not be lawful for any assessor, whether appointed before or after the passing of this Act, to be a sheriff-clerk, or clerk of supply, or a collector of poor-rates, or to be employed as a factor for heritable property, or land agent, in the county or burgh for which he may be the assessor.’

To assist the assessor in placing on his list of voters all persons qualified as inhabitant occupiers of dwelling-houses in burghs and counties, power is given to him by §§ 9 (2) (3) (4), 11, of the Act of 1884, to make a requisition (in the form contained in the third schedule to the Act) and alternatively



by § 4 of the Registration Act, 1885, to call for a list of such persons occupying dwelling-houses on the lands in respect of which the persons on whom the requisition or demand is made are rated. In the event of failure to comply with the requisition or demand, penalties are provided as set out in the statutes.

Where any person, whose right to the county or burgh occupation franchise was saved by § 10 of the Act of 1884, is also qualified for the franchise under that Act in respect of the same qualification, § 10 provides that 'he shall be entitled 'to be registered in respect of such latter franchise only.' This proviso will, during the first registration, lay on the assessor much additional work, as he will have to consider with regard to all the old county and burgh occupation voters whether they are also entitled in respect of the same qualification to a franchise under the Act of 1884. It is difficult to say how this duty is to be discharged in many cases which may be figured. We venture to think that where an assessor is in doubt as to the application of the section in any particular case, he should enter the voter on both franchises, leaving the sheriff to expunge one under the provisions as to 'double entries' hereafter explained, *infra*, p. 36.

Under the Corrupt and Illegal Practices Act, 1883, §§ 39, 68, the assessor must annually make out a list of persons otherwise qualified, but who are incapacitated for voting by corrupt and illegal practices, and must omit the names of such persons from the list of voters prepared by him. Provision is also made for claims to be omitted from the corrupt and illegal practices list, and for objections to such claims, and for the manner in which they are to be dealt with by the assessor.

Various temporary or transitory provisions are made to facilitate the passing from the franchises and procedure existing before 1884 to the franchises and procedure since established. Of these we shall mention the more important.

In order to obviate the objection that the new service franchise has not been in existence for the whole period necessary to qualify for it, it is provided by § 5 of the Registration Act, 1885, that 'any person deemed to be an 'inhabitant occupier, as tenant, under § 3 of the Representa-

'tion of the People Act, 1884, shall be registered in like manner as if the Representation of the People Act, 1884, had been in force throughout the year 1884, and had been duly carried into effect.'

Again, by § 19 of the Redistribution Act, 1885, it is provided 'that the registers of voters in force in the year 1885 shall continue in force until the dissolution of the present Parliament, but, notwithstanding the continuance of this present Parliament, registers of voters shall be formed in the year 1885, as they will require to be formed after the end of this present Parliament and not otherwise.'

The object of these provisions is to enable all elections before the dissolution to take place upon the old register, and the general election to take place upon the new only. With a similar object the proviso to § 13 of the Act of 1884 has been repealed by § 31 of the Act of 1885.

Further, provision is made by § 17 of the Redistribution Act for saving 'the rights of registration' of a person whose 'qualifying property' is situate in a 'place changed from one parliamentary area to another,'—it being declared that 'a place shall be deemed to be changed from one parliamentary area to another when it becomes part of a constituency of which it did not form part before the passing of this Act.' The effect of the provision would seem to be that the claimant must establish his right to a qualification according to the law applicable to the new area, but will not be prevented from doing so, although during part or the whole of the ordinarily qualifying period that law was inapplicable to the premises on which he claims.

Lastly, where, as in the case of the burghs forming the Haddington and Wigtown districts, 'any burgh has ceased as a burgh to return or to contribute to return a member to Parliament, the register of voters shall continue to be made up separately, but the duties hitherto performed by the town-clerk shall be performed by the sheriff-clerk.' This provision of § 8 of the Registration Act, 1885, has no doubt been suggested by the consideration that the Parliamentary Register is the foundation of the Municipal Register for the burgh. After the work of parliamentary registration is complete, the sheriff-clerk's duties will it is thought cease,

the remaining work necessary to complete the Municipal Register falling to be performed by the town-clerk as heretofore. The statutory enactments on the subject, however, are not very explicit, and considerable difficulty may arise from the still remaining want of uniformity between the county and burgh franchises. Of course the registration provided for in § 8 just quoted will be exclusively in respect of the county franchises, while the Municipal Register must ultimately contain the names of the persons possessed of the burgh franchises, together with the female electors qualified under the Municipal Elections Amendment (Scotland) Act, 1881. No express provision is made as to the assessor by whom the register in the disfranchised burghs is to be made up, or as to the expenses of the registration. In regard to the expenses it would probably be held that in so far as relating to parliamentary voters they should form part of the cost for the county generally, to be levied under § 41 of the County Voters Act, 1861, assuming that section not to have been repealed or superseded by the recent legislation. (*See* § 8 (6) of the Reform Act, 1884, and the Lord Advocate's circular printed in the Appendix.)

### (3.) *Registration Courts.*

In view of the pressure which may occur in some constituencies at the registration in 1885, it is provided by § 16 of the Registration Act, 1885, that during that year 'it shall be lawful for the sheriff to appoint such number of substitutes as he thinks necessary, to assist in the revision of the list of voters. Such substitutes shall have the qualifications required by law for a salaried sheriff-substitute, and shall be paid at the rate of £7, 7s. per day.'

We have already (*supra*, p. 29) referred to the changes in the dates of holding Registration Courts for counties made by § 8 (6) of the Reform Act, 1884. These Courts both for counties and burghs must now be held between 25th September and 15th October (the last inclusive). The procedure generally will be that hitherto in use in the Burgh Registration Courts (*see* Nicolson, 173 *et seq.*); but it will be convenient to compare with it the practice of the County Courts (*see* Nicolson, 142 *et seq.*)

The recent Acts have introduced several miscellaneous provisions in regard to the proceedings in the Registration Courts. We shall refer to the more important of them.

Reference has already been made (*supra*, p. 32) to the action of the assessor in preparing a list of and dealing with persons incapacitated for voting by corrupt and illegal practices, and to the claims and objections which may thence arise. When such are stated they will be disposed of in the Registration Court. The provision of § 39 of the Corrupt and Illegal Practices Act, 1885, is as follows: 'The revising barrister' (in Scotland, the sheriff) 'shall determine such claims and objections, and shall revise such list in like manner, as nearly as circumstances admit, as in the case of other claims and objections, and of any list of voters. (6.) Where it appears to the revising barrister' (in Scotland, the sheriff) 'that a person not named in the corrupt and illegal practices list is subject to have his name inserted in such list, he shall (whether an objection to the omission of such name from the list has or has not been made, but), after giving such person an opportunity of making a statement to show cause to the contrary, insert his name in such list and expunge his name from any list of voters. (7.) A revising barrister' (in Scotland, the sheriff) 'in acting under this section shall determine only whether a person is incapacitated by conviction or by the report of any Election Court or Election Commissioners, and shall not determine whether a person has or has not been guilty of any corrupt or illegal practice. (8.) The corrupt and illegal practices list shall be appended to the register of electors, and shall be printed and published therewith wherever the same is printed or published.' It would be competent to appeal against a decision of the sheriff on a question coming before him under the section just quoted, and demand a special case in the usual way.

To obviate what is said to have been felt as a difficulty by some sheriffs, it is provided by § 14 of the Registration Act, 1885, that 'in the case of a person claiming to vote as a lodger, the declaration annexed to his notice of claim' in terms of § 19 of the Reform Act, 1868—'shall for the purposes of revision be *prima facie* evidence of his qualification.'

The most important of these miscellaneous provisions, however, are directed against 'double entries,' and are rendered increasingly necessary by the changes on the franchise, and by the division of constituencies.

In the first place, it is enacted by § 8 of the Redistribution Act, 1885, that 'where any parliamentary borough is divided 'into divisions in pursuance of this section, a person shall not 'be registered as entitled to vote and shall not vote in more 'than one such division.' There is no similar provision in regard to divided counties. It is, therefore, lawful for a person to be registered and to vote in several divisions of the same county, if he possesses sufficient qualifications in them respectively.

Secondly, § 10 of the Reform Act, 1884, which saves the personal rights of voting of persons on the register at the date of the passing of that Act, provides nevertheless 'that where 'a man is so registered in respect of the county or borough 'occupation franchise by virtue of a qualification which also 'qualifies him for the franchise under this Act, he shall be entitled to be registered in respect of such latter franchise only.'

Lastly, § 17 of the Registration Act, 1885, contains provisions in regard to the manner of dealing with 'double entries' of so detailed a character that little comment is needed on them. It may, however, be premised that § 17 does not lay on the assessor or any other official the duty of bringing the cases of double entry under the sheriff's notice. So far as the statute goes the duty of discovering them seems laid on the sheriff himself, but it could not be intended that the assessor, who has framed the lists and who is familiar with all their details, should not bring under the sheriff's notice any cases of double entry which have come to his knowledge. This is the more necessary as it is not clear that it would be competent for any one to 'object' to a double entry if the person so entered possessed a sufficient qualification for each entry.

The provisions of § 17 are as follows:—'(1) When the 'name of a person appears to be entered more than once as a 'voter on the list of voters for the same parliamentary 'county' (including a division of a county), 'or for the same 'burgh' (query, including a district of burghs ?), 'the sheriff

‘ when revising the lists shall inquire whether such entries relate to the same person, and on proof’ (who can lead it? and what will be competent and sufficient?) ‘ that such entries relate to the same person, shall retain one entry and strike out the others. (2) The said person may select the entry to be retained by notice in writing’ (not, it would seem, necessarily written or signed by him), ‘ delivered or sent by post to the sheriff-clerk at or before the opening of the first Court at which the sheriff revises any of the lists in which any such entries appear, or by application made by such person or on his behalf at the first sitting of the Court for the revision of such lists. (3) If no selection is so made, the entry to be retained shall be determined as follows:—

‘ (a.) In counties:—

- ‘ (i.) If one only of the entries is an entry on the list of voters as proprietor, that entry shall be retained; and
- ‘ (ii.) If all or none of the entries are on the list of voters as proprietor, and one of the entries is the place of residence of the voter, the entry in respect of the place of residence shall be retained; and
- ‘ (iii.) In any other case the entry which is first reached by the sheriff in revising the lists shall be retained:

‘ (b.) In burghs:—

- ‘ (i.) If one of the entries is the place of residence of the voter, the entry in respect of the place of residence shall be retained; and
  - ‘ (ii.) In any other case the entry which is first reached by the sheriff in revising the lists shall be retained:
- ‘ and both in counties and burghs, if any such entry to be retained is objected to, the sheriff shall not finally strike out any other entry until the objection to the entry to be retained has been determined by him in favour of the voter. (4) Where a burgh is divided into divisions, and notwithstanding the provisions of this section’ (see also § 8 of the Redistribution Act, 1885) ‘ the name of a person is entered in the register of parliamentary voters of more than one division of the said burgh, and one of these entries is his place of residence, he shall be entitled to vote only in that

'division in which he is registered as a voter in respect of his place of residence, and shall not vote in respect of any other entry. (5) In this section the expression "parliamentary county" means a county returning or contributing to return a member or members to serve in Parliament; and, where a county is divided for the purpose of such return, means a division of such county.' With the view of still further preventing the effect of double entries in burghs, it is provided by § 13 of the Redistribution Act, 1885, that 'in a borough divided into divisions, the election for two or more of such divisions shall be deemed to be the same election within the meaning of the enactments relating to personation and to voting, and the question which may be asked of voters at the poll shall be, "Have you already voted here or elsewhere at this election for the borough of \_\_\_\_\_, either "in this or in any other division?"' Of course this provision can only be operative at a general election. Any such voting by a prohibited person would be an illegal practice, and punishable as such under § 9 of the Corrupt and Illegal Practices Act, 1885.

#### (4.) *Expenses of Registration.*

The expenses of registration were by the Burgh Registration Act of 1856, and the County Voters Act of 1861, and § 42 of the Reform Act, 1868, placed on the burghs and counties respectively, except in regard to those small payments which are still defrayed by Exchequer. (*See Nicolson, 161, 183.*) We have already (*supra*, p. 30) expressed the opinion that notwithstanding the assimilation of the registration proceedings in burghs and counties under § 8 (6) of the Reform Act, 1884, provision for the payment of the expenses incurred in the county registration, both in undivided and divided counties, will continue to be regulated by § 41 of the County Voters Act and § 42 of the Reform Act, 1868.

Section 15 of the Registration Act, 1885, provides for the remuneration of collectors of poor-rates for the duties imposed upon them by §§ 18, 19 of the Reform Act, 1868, in connection with the ratepaying clauses of that Act. That remuneration, as well as the cost of the appointment of additional officers and sheriff-substitutes for the registration of

1885, under § 16 of the Registration Act, 1885, is to be treated as part of the expenses of registration in counties and burghs respectively.

It is understood that a grant is to be made by Parliament towards the exceptional expenditure which will be incurred in the registration of 1885.

We have (*supra*, p. 34) above stated our opinion that in the case of burghs—*e.g.*, those constituting the Haddington and Wigtown districts—merged in the counties, the cost of the registration will fall to be defrayed by an assessment under § 41 of the County Voters Act upon all the lands within the county, including those within the burghs.

## 2. In Universities.

The university franchise was conferred by the Reform Act, 1868, on all members of the General Councils of the four Scotch Universities, together with the Chancellor, the members of the University Court, and the professors for the time being of each of the universities. In regard to the members of the General Councils, their right of voting was conditional on their being registered. Accordingly, provisions for such registration were made by §§ 29-36, 41, of the Act. By § 29 the registrar of the university was directed to keep a registration book containing the names of all qualified members of the General Council; and by § 30 he was directed to enter in that book from time to time all qualified persons *applying for registration* who had paid to the university fund the registration fee of 20s. Then § 35 provides for the preparation of the parliamentary register annually by the transference to it of all the members of Council (not known to be dead) whose names appear in the registration book. Provisions are further made for the revisal of the register by the registrar and assistant-registrars, for appeals to the University Court against the undue insertion or omission of names, and for the payment of the expenses of the registration. (*See Nicolson, 187-194.*)

It will have been observed that under the Reform Act, 1868, the registration was *voluntary* on persons qualified as members of Council. By the Universities Elections Amend-



ment (Scotland) Act, 1881, which is printed in the Appendix, this has been changed, and registration is now *compulsory* on all graduates. Subsection 16 of § 2 enacts:—‘On and after the passing of this Act no person shall be allowed after examination to graduate’ (the provision does not apply to persons receiving degrees *honoris causa*, as these do not qualify for being members of General Council) ‘at any of the universities of Scotland until he shall have paid, as a registration fee, a sum not exceeding 20s. to the general university fund of the university at which he wishes to graduate, the amount and period of payment of such fee to be fixed from time to time by the University Court of the said university; and thereafter the name, designation, qualification, and ordinary place of residence of each person qualified as at present to become a member of the General Council of his university shall, on his graduation, be entered by the registrar in the registration book, made up in terms of the twenty-ninth section of the Representation of the People (Scotland) Act, 1868, in order to their being transferred to the register of members of the General Council at the next revisal of the same, in terms of the thirty-fifth section of the last-mentioned Act; and every person who has hitherto been or who shall in the future become *ex officio* a member of the General Council of any of the universities, owing either to his having been a professor in or having held office as member of a University Court in any university, shall, on payment of a registration fee as aforesaid, be put and continued on the register of members of General Council of said university during his life, and shall be entitled to all the privileges of a member of Council: Provided always that no person subject to any legal incapacity shall be entitled to vote at any parliamentary election, or exercise any other privilege as a member of the General Council of any university.’

Subsection 17 makes corrupt payment of registration fees punishable as bribery.

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## CHAPTER III.

## PROCEEDINGS AT ELECTIONS.

1. *In Counties and Burghs.*

The recent Acts do not make any material change on the proceedings at elections, almost all the enactments which they contain on the subject being directed to applying to the divided counties and burghs the provisions of the former Acts in regard to undivided counties and burghs. There are, however, a few changes of a different character, and it will be useful to refer briefly to the more important provisions whether they involve change or mere adaptation.

Section 9 of the Redistribution Act, 1885, dissolves the division of counties made by the Reform Act, 1868, and after constituting the new divisions named in the Seventh Schedule enacts that: 'Subject to the provisions of this Act the members for each division of a county shall be elected by persons qualified in the same manner, and the nomination and other proceedings at parliamentary elections for such division shall be conducted in the same manner, as if such division were a separate constituency, and the law relating to parliamentary elections shall apply to each such division as if it were a separate county.' Section 13 of the same Act makes a precisely corresponding provision in regard to the divisions of burghs.

Section 21 of the Act and § 62(3) of the Corrupt Practices Act, 1883, provide for the adaptation of the *writs* and the *notice* of election to the changes made by the recent Acts.

As to the *returning officers*, there is no express provision in the Act of 1885 in regard to divided counties, but there can be no doubt that under the general provisions of § 9 the sheriff, who has been the returning officer for the undivided county, will be the returning officer for each of the divisions. Under the Reform Act, 1868 (§ 24) the returning officers for the divisions of counties created by that Act were expressly named. (*See* Nicolson, 198.) In regard to divided burghs it is provided by § 13 of the Act of 1885 that the returning officer for the burgh shall be the returning officer for each division. By

§ 8 of the Ballot Act, 1872, a sheriff who is 'returning officer ' for more than one county ' (including a division of a county under § 15 of the Act and § 59 of the Reform Act, 1868) . . . ' may, without prejudice to any other power, by writing under ' his hand, appoint a fit person to be his deputy for all or any ' of the purposes relating to an election in such county.' (See Nicolson, 196.) Section 13 of the Redistribution Act, 1885, makes a corresponding provision in regard to the returning officer of a divided burgh; but it does not confer on the deputy the power of 'fixing of the day for taking the polls.' This exception is no doubt made in order to secure the more completely the provision of § 8 (4) that at a general election ' the polls (if any) for the divisions in a divided borough shall ' be taken on the same day.'

In regard to the *place* of election, the Reform Act, 1832 (§§ 29, 30), and the Reform Act, 1868 (§ 24, Schedule B), fixed the returning towns; and Rule 58 of the Ballot Act provided that ' the place of election shall be a convenient room situate ' in the town in which the writ for the election would, if this ' Act had not passed, have been proclaimed.' Section 16 of the Redistribution Act, 1885, confers on the returning sheriff the power of fixing from time to time the place of election for divisions of counties, for burghs, and for divisions of burghs. (See Nicolson, 201.)

No change is made in regard to the *day of election* or in regard to the *nomination* of candidates.

We have just mentioned the provisions of §§ 8 (4), 13 (1), of the Redistribution Act, 1885, in regard to the *time of taking the poll* in the divisions of a divided burgh. Subject to these the Act is declared not to 'enlarge or extend the ' discretion vested in "the returning officer" by the Ballot ' Act, 1872, as to fixing the day of poll.'

In regard to *polling districts*, § 9 of the Registration Act, 1885, amends the provisions of § 2 of 16 & 17 Vict. c. 28, in regard to the advertisement of new polling places in counties; and § 13 (3) of the Redistribution Act, 1885, provides that in the case of a divided burgh, ' for the purpose of the enactments ' respecting the division of any such borough into polling ' districts, all the divisions shall be deemed to form the same ' parliamentary borough." (See Nicolson, 212, *et seq.*)

As to the *persons who may poll*, the Ballot Act, 1872 (§ 7), provided that ‘at any election for a county or borough, a person shall not be entitled to vote unless his name is on the register of voters for the time being in force for such county or borough, and every person whose name is on such register shall be entitled to demand and receive a ballot paper and to vote: Provided that nothing in this section shall entitle any person to vote who is prohibited from voting by any statute, or by the common law of Parliament, or relieve such person from any penalties to which he may be liable for voting.’ No change has been made in regard to the conclusiveness of the register as to the right to vote, notwithstanding of the loss of the qualification on which the registration took place. Nor is there any alteration on the provisions of § 46 of the Burgh Registration Act, 1856, or of § 44 of the County Voters Act, 1861 (assuming the latter not to be superseded by the former under § 8 (6) of the Reform Act, 1884) as to the effect of misnomers or inaccurate or defective description of voters. If the identity or previous voting of any person is questioned, the case is now provided for by the Parliamentary Elections and Corrupt Practices Act, 1880, which enacts (§ 3) that ‘in all elections whatever, of a member or members to serve in Parliament for any county, division of a county, or for any city, or burgh, or district of burghs in Scotland, no inquiry shall be permitted at the time of polling as to the right of any person to vote, except only as follows—(that is to say) that the presiding officer or clerk appointed by the returning officer to attend at a polling station shall, if required on behalf of any candidate, put to any voter at the time of his tendering his vote, and not afterwards, the following questions, or either of them:—

- ‘ 1. Are you the same person whose name appears as A  
‘ B on the register of voters now in force for the  
‘ county of                   , [or for the                   division of  
‘ the county of                   ], or for the city [or burgh]  
‘ of                   , or for the                   district of burghs [*as  
‘ the case may be*]?
- ‘ 2. Have you already voted either here or elsewhere, at  
‘ this election for the county of                   , [or for  
‘ the                   division of the county of                   ], or

‘for the city [or burgh] of \_\_\_\_\_, or for the district of burghs [*as the case may be*]?’

‘And if any person shall wilfully make a false answer to either of the questions aforesaid, he shall be deemed ‘guilty of a crime and offence within the meaning of the ‘Ballot Act, 1872.’ The provisions just quoted are by § 13 (4) of the Redistribution Act, 1885, extended and adapted to the case of a divided burgh.

None of the statutory or common law disqualifications for voting, whether personal or official (*see* Nicolson, 20, 83) are removed by the recent Acts, but some additional disqualifications are introduced. We have already (*supra*, p. 37) quoted the provisions of § 17 of the Registration Act, 1885, and § 8 of the Redistribution Act, 1885, prohibiting persons registered in one division of a divided burgh from voting in any other division. There is no similar prohibition in the case of a divided county. The Corrupt and Illegal Practices Act, 1883, after setting forth (Schedule I. Part I.) the persons who may be legally employed for payment at an election for a county or burgh, declares: ‘(7) Any such paid election ‘agent, sub-agent, polling agent, clerk, and messenger may ‘or may not be an elector, but may not vote.’ By § 15 of the Redistribution Act, 1885, this provision is applied to the case of a divided burgh to the effect that ‘any such agent, ‘clerk, or messenger employed for payment at an election for ‘any division may not vote in any other division of the ‘borough.’ There is no similar provision in regard to a divided county. It will be useful to compare these prohibitions of the Act of 1883 with that contained in § 8 of the Reform Act, 1868, which is practically superseded by them:—‘No ‘elector, who, within six months before or during any ‘election for any county or burgh, shall have been retained, ‘hired, or employed for all or any of the purposes of the ‘electors for reward by or on behalf of any candidate at such ‘election as agent, canvasser, clerk, messenger, or in other ‘like employment, shall be entitled to vote at such election; ‘and if he shall so vote, he shall be guilty of a crime and ‘offence.’ *Paid canvassers*, in addition to the persons legally employed for payment under Schedule I. Part I. of the Act of 1883, are now illegal (§ 17).

In regard to persons guilty of *corrupt or illegal practices*, the disqualifications under the Act of 1883 are very stringent. Section 36 provides that 'every person guilty of a corrupt or 'illegal practice or of illegal employment, payment, or 'hiring at an election is prohibited from voting at such 'election, and if any such person votes, his vote shall be 'void.' Section 37 provides that 'every person who in 'consequence of conviction, or of the report of any election 'court or election commissioners under this Act . . . or under 'any other Act for the time being in force relating to corrupt 'practices at an election for any public office, has become 'incapable of voting at any election, whether a parliamentary 'election or an election to any public office, is prohibited 'from voting at such election, and his vote shall be void.' We have already explained (*supra*, pp. 32, 35) the provisions which exist for preventing the registration of persons incapacitated for voting by corrupt and illegal practices, and also the means for obtaining relief from such incapacity.

Under the Parliamentary Elections Returning Officers Expenses (Scotland) Act, 1878, the returning officer at any election, except for the universities, may require each candidate to find security for payment of his share of the expenses. The amount of security which may be demanded, and the mode of apportioning and providing it, are set forth in the Act, which is printed in the Appendix. An amending Act, dealing with deputy returning officers, is now before Parliament.

## 2. *In Universities.*

Section 37 of the Reform Act, 1868, made provision for the returning officers in university elections, and for the indorsation of the writ and intimation of the day of election. Section 38 provided that in the event of a poll being demanded, the proceedings should be adjourned for not less than six or more than ten clear days, exclusive of Saturdays and Sundays, for the purpose of taking the poll, intimation being immediately given of the adjournment. Section 38 then provided for the taking of the poll which might be continued for not more than five days, exclusive of Sundays, the votes being given either personally or by voting papers in the

manner prescribed by the Universities Election Act, 1861, as modified by § 38 itself. The system of voting then established having proved complicated and expensive, the Universities Elections Amendment (Scotland) Act, 1881, was passed to introduce a more simple and less costly machinery. The Act is printed in the Appendix, and it is not intended to do more than indicate the general nature of the changes which have been made.

It is to be observed in the first place, that the new Act repeals the regulations contained in §§ 38, 39 of the Act of 1868, only in so far as they are inconsistent with it. In all other respects these regulations are still operative.

Under § 2 (1) the adjournment for taking the poll is to be for not less than twelve or more than twenty clear days, instead of for not less than six or more than ten clear days as formerly; and the time during which the poll may be kept open is to be for not less than four or more than six days, instead of for not more than five days as formerly.

Then by § 2 (2) it is provided that the voting is to be by voting papers only, personal voting being prohibited. A new form of voting paper is given (as contained in Schedule A), and careful provision is made for its being marked and connected with the voter to whom it is issued in such a way as to prevent its being falsely or fraudulently signed or used.

Instead of the issue of the voting papers being left as formerly to the candidates or those acting for them, it is provided by § 2 (3) (4) that they shall be issued to all electors resident in the United Kingdom or Channel Islands by, and returned to the registrar of the university, who is directed to keep them until the poll begins. A voting paper may now be signed in the presence of any attesting witness to whom the voter is personally known, the necessity for the attestation of a justice of the peace being dispensed with.

Further provisions are made by § 2 (5) (6) (7) (8) for the case of blind or infirm voters, for the issue of new voting papers where those formerly issued have been spoiled or lost, and for the issue of papers to an address within the United Kingdom or Channel Islands on the written application of a voter resident beyond the same.

‘No voting paper shall be counted which does not reach

‘ the registrar before ten of the clock on the morning of the day on which the poll begins ; ’ § 2 (8).

Then follow regulations in § 2 (9) (10) as to the opening and examination of the voting papers by the registrar in presence of the vice-chancellor or pro-vice-chancellor and the candidates and agents, as to the objections which may be taken to them, as to the disposal of these objections, as to the counting of those votes which are sustained as good, and as to the transmission of a certificate of votes to the returning university.

Section 39 (4) of the Reform Act, 1868, provided that the returning vice-chancellor should within three days after receiving the poll books, cast up the votes and declare the election, publishing it also in the *Edinburgh Gazette* and making a return to the Clerk of the Crown in England, ‘ and if the votes be equal, he shall make a double return. ’ Section 2 (11) of the Act of 1881, on the other hand, directs the returning vice-chancellor to cast up the votes ‘ as soon as he conveniently can ’ after receiving the certificate of votes from the non-returning university, and ‘ declare to be elected the candidate for whom the majority of votes has been given. ’ No provision is made for publication in the *Gazette*, or for returning the writ to the Clerk of the Crown ; but both would stand on the earlier enactment. Instead, however, of having to make a double return in the event of an equality of votes, § 2 (12) gives the returning vice-chancellor, if a member of the General Council ‘ of either of the universities for which the election is being held, ’ the right to give a casting vote. At the same time, it declares that he shall not in any other case be entitled to vote at an election for which he is returning officer.

Provision is further made by § 2 (13) for the filing of the voting papers, counterfoils, and other election documents, by § 2 (14) for severe penalties for offences connected with the use of voting papers, and by § 2 (15) that voting papers shall not be liable to stamp duty.

Lastly, by § 2 (18) ‘ the candidates shall be bound to pay and contribute among them the expenses necessarily incurred by the registrars in preparing and issuing the voting papers, and in taking the poll, together with a reasonable remuneration for their trouble in reference thereto, as the



'same shall be determined by the returning officer.' These expenses will no doubt have to be reckoned as part of the maximum allowed by the Corrupt and Illegal Practices Act, 1883. But it is not clear whether they should be treated as part of the returning officer's charges, or as coming within the miscellaneous expenses authorised by Schedule I. Part III.

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## CHAPTER IV.

### THE LAWS AGAINST CORRUPT PRACTICES AT ELECTIONS AND FOR THE TRIAL OF CONTROVERTED ELECTIONS.

#### 1. *The Laws against Corrupt Practices at Elections.*

##### (1.) *In Counties and Burghs.*

We have elsewhere (Nicolson, 248 *et seq.*) explained briefly the state of the law before 1883, on the subject of corrupt practices at parliamentary elections. The chief corrupt practices dealt with were 'Bribery,' 'Treating,' and 'Undue Influence,' defined by the Corrupt Practices Act, 1854, and 'Personation,' defined by the Ballot Act, 1872. These two acts directed heavy penalties against the corrupt practices so defined, and also against certain illegal practices defined by them in the interests of purity and freedom of election. By the Act of 1854, and by the Corrupt Practices Act, 1863, provisions were made with the view of controlling excessive expenditure at elections, even when such expenditure could not be alleged to be corrupt. None of these statutes having proved effective for the objects in view, the Corrupt Practices Act, 1883, was passed with the twofold purpose of punishing actually corrupt and illegal practices, and of checking excessive legitimate expenditure, which, experience has proved, soon degenerates into corruption.

It is beyond our present design to deal fully with the minute and somewhat complicated enactments of the Act of 1883, and to treat the subject of corrupt and illegal practices cursorily would be to run the risk of leading candidates and

others into most serious difficulties. We think it better, therefore, to refer to the statement of the law on this subject contained in the various separate treatises which have been published on it. Of these the most able and trustworthy seems to us to be that written jointly by Mr. M. W. Mattinson and Mr. S. C. Macaskie (London: Waterlow & Sons Limited). We are indebted to these gentlemen for permission to use two of their very instructive Tables, showing (1) the different corrupt and illegal practices which void elections, and (2) the punishments and incapacities to which persons guilty of such practices are liable. These Tables, which are prefixed to this work, will, it is believed, be very useful on an emergency; but, whenever there is time for deliberate consideration, no pains should be spared in studying the statute itself (which is printed in the Appendix) with the aid of the best commentary and highest available legal advice.

We shall now indicate briefly the provisions of the Act of 1883, in so far as they bear upon the legitimate conduct of elections and the avoidance of excessive expenditure at them.

The distinctive feature of the system introduced by the Act of 1883 is—the Election Agent, with his duties, powers, and responsibilities. As with scarcely an exception all the legal expenses of the election must be incurred, disbursed, and returned by him, it is of the utmost importance that he should be appointed as soon as the candidature is determined on. He must be appointed, and his appointment intimated, before the nomination to the returning officer, who must at once publish his name and address (§ 24). Only one election agent may be appointed for each candidate (§ 24); but the same person may be appointed by two candidates (Schedule I. Part V.). A candidate may name himself as election agent (§ 24), and may revoke any appointment he has made (§ 24). In a county or division of a county, but not in a burgh, or division of a burgh, or district of burghs, the election agent may appoint one sub-agent for each polling district (Schedule I. Part I.). The number of polling agents, clerks, and messengers who may be employed and paid, is strictly defined by Schedule I. Parts I. and II., and to employ

any other persons for payment or promise of payment, is declared an illegal employment both as regards the employer and employé (§ 17). In a county or division of a county payment may be made for one central committee room, one committee room for each polling district, and one additional committee room for each complete 500 electors, beyond the first 500 in each polling district (Schedule I. Part II.). In a burgh, or division of a burgh, or district of burghs, one committee room may be hired, and one additional committee room for every complete 500 electors in the constituency beyond the first 500, and for any remainder beyond the last complete 500 (Sched. I. Part II.). The other legal expenses, including the returning officer's charges, the personal expenses of the candidate (defined by § 64), the expenses of holding public meetings, of printing, advertising, postage, telegrams, &c., are fully enumerated in Schedule I. Part II., liberty being given by Part III. to expend on miscellaneous matters not in themselves illegal or prohibited, a sum not exceeding £200. Illegal expenses are anxiously described in the sections of the statute classified in Table V., prefixed to this work, and are fully explained in the treatise of Messrs. Mattinson and Macaskie, from which it is taken.

Before proceeding to indicate the nature of the duties of the election agent in incurring, controlling, and returning expenditure on behalf of the candidate, it will be convenient to state what is the maximum scale upon which that expenditure may be estimated and incurred.

By Schedule I. Part IV., in a *burgh*, including a division of a burgh and a district of burghs, 'the expenses mentioned 'above in Parts I., II., and III. of this Schedule, other than 'personal expenses and sums paid to the returning officer for 'his charges, shall not exceed in the whole the maximum 'amount in the scale following:—

' If the number of electors on	The maximum amount shall
' the register	be
' Does not exceed . . . 2000,	£350.
' Exceeds . . . 2000,	£380, and an additional £30
	' for every complete 1000
	' electors above 2000.

' (2.) In a county ' (including a division of a county) ' the

‘ expenses mentioned in Parts I., II., and III. of this Schedule,  
‘ other than personal expenses and sums paid to the returning  
‘ officer for his charges, shall not exceed in the whole the  
‘ maximum amount in the scale following:—

‘ If the number of electors on the register      The ~~maximum~~ amount shall be

' Does not exceed . 2000, £650 in . . . Scotland.

'Exceeds . . . 2000, £710 in . . . Scotland, and  
'an additional £60 . . .  
'for every complete 1000  
'electors above 2000.'

By Schedule I. Part V. (2), the number of electors is to be taken as it appears on the register, no deduction being made for dead men or double entries. By Schedule I. Part V. (3), when there are two joint-candidates [as defined in (4)] the maximum scale is reduced for each by one-fourth, or, if there are more than two joint-candidates for each, by one-third. Table IV. prefixed to this work exhibits the maximum scales worked out in some detail.

While the election agent is charged with the general conduct of the election, his duties, as laid down by the Act of 1883, are mainly these:—(a) The appointment and remuneration of the subordinate staff; (b) The hiring of committee rooms and places for holding public meetings; (c) The making of contracts for printing, advertising, stationery, &c.; (d) The settlement of claims and disbursement of money in connection with the election; (e) Making the return of election expenses.

(a) *The Appointment and Remuneration of the Subordinate Staff.*

This is regulated with the utmost precision by §§ 17, 27 and Schedule I. Parts I., IV., and V. of the Act. But while the utmost accuracy is necessary in keeping within the statutory limits as to the number of the *paid* staff, no restriction whatever is placed on the acceptance of the services of *bona fide* volunteers.

(b) *The Hiring of Committee Rooms and Places for Holding Public Meetings.*

This is regulated by §§ 7, 27, and Schedule I. Parts II., IV., and V. of the Act. So rigid is the rule in regard to committee rooms, that if in a district of burghs the maximum number of committee rooms allowed is less than the number of burghs composing the district, the agent cannot hire rooms in any of the burghs beyond the number so allowed. It may thus happen that in one or more of the burghs no committee room can be legally hired. There is nothing to prevent the use of rooms beyond the number allowed if they are *bona fide* placed at the candidate's service without fee or reward. The agent must, in hiring committee rooms, keep in mind the strict provisions of § 20 as to the premises which may not be legally *used* or hired for that purpose. There is no restriction on the number of places which may be hired for holding public meetings; but the expense of such hiring must be reckoned as part of the maximum amount allowed.

(c) *The Making of Contracts for Printing, Advertising, Stationery, &c.*

This is regulated by § 27 and Schedule I. Part II. There is no restriction on the amount which may be expended on these heads; but the expense so incurred must be reckoned as part of the maximum amount allowed. The election agent in making his contracts will bear in mind the numerous restrictions placed upon him by various sections of the Act, and especially by §§ 7, 14, and 18. It must also be kept in view, that while the conveyance of voters to the poll, either in counties or burghs, is now illegal (§ 14), an exception is made by § 48 in regard to the conveyance of voters by sea in certain cases,—the cost being allowed as an addition to the maximum scale in Schedule I. Part IV.

(d) *The Settlement of Claims and Disbursement of Money in Connection with the Election.*

Under § 28 all election expenses must be paid by the election agent, except (a) the personal expenses of the candidate as defined by § 64—not exceeding £100 (§ 31)—

(β) petty expenses for stationery, telegrams, postages, &c., to an amount authorised in writing by the election agent (§ 31) —(γ) payments made by the returning officer (§ 28)—(δ) 'any sum disbursed by any person out of his own money for any small expense legally incurred by himself, if such sum is not repaid to him' (§ 28).

Certain expenses will no doubt be paid by the election agent during the contest, and for all above 40s. he must take a bill of particulars and a receipt (§ 29); but the greater portion will be paid when the election is over. The time within which claims, including those of the returning officer and of the election agent himself, may be sent in, the effect of failure to lodge them in proper time, their payment, dispute, taxation, and enforcement are made the subject of most detailed regulation in §§ 29-32 of the Act.

(e) *Making the Return of Expenses.*

Within thirty-five days after the declaration of election, the election agent must transmit to the returning officer a 'return respecting election expenses' containing the particulars, and in the form set forth in § 33 and Schedule II. of the Act. The return must be accompanied by a declaration by the election agent as to its completeness and truth, in the form contained in Schedule II.; and within seven days a similar declaration by the candidate must be transmitted to the returning officer. Some necessary modifications are provided for, when the candidate acts as his own election agent, or when he is out of the United Kingdom when the return is transmitted.

Severe penalties, affecting even the sitting and voting in the House of Commons, are by § 34 directed both against the candidate and the election agent, if they fail to make or falsely make any return or declaration. Provision is, however, made by § 34 for certain excuses being sustained by the Court for delay or inaccuracy in making a return or declaration.

The return and declaration being transmitted to the returning officer, it is his duty under § 35 of the Act to publish within ten days a summary of the return in two local newspapers, intimating at the same time 'the time and

'place at which the return and declarations (including the accompanying documents) can be inspected.' At the expiration of two years, during which the return, &c., must be kept by the returning officer subject to inspection by any one, they may be destroyed by him unless the candidate or the election agent require their retransmission (§ 35).

The general rule is, therefore (the exceptions being set forth in the Act), that all claims for election expenses must be—

(α) received by the election agent within 14 days	after the
(β) paid " " " 28 "	declara-
(γ) returned to the returning officer " 35 "	tion of the
and the return (δ) published by " 45 "	election.

## (2.) *In Universities.*

By § 58 of the Parliamentary Elections Act, 1868, 'borough' is defined to include any university or universities in Scotland; and as the definitions of that Act are adopted by § 64, Schedule III. Part I., of the Corrupt and Illegal Practices Act, 1883, the provisions of that Act, above explained, apply to elections for the universities as if they were burghs. In particular, the provisions as to the number of persons who may be legally employed, the number of committee rooms which may be engaged, and the scale of expenditure which may be incurred in a burgh election, are applicable to a university election. Further, in order to remove any doubt as to the illegality of one person paying the registration fee of another, with the view of influencing his vote (*see* Nicolson, 116), it is enacted by § 2 (17) of the Universities Election Amendment (Scotland) Act, 1881, that 'any person either directly or indirectly corruptly paying 'any fee for the purpose of enabling any person to be registered as a member of the General Council, and thereby to 'influence his vote at any future election, and any candidate 'or other person either directly or indirectly paying such 'fee of any person, for the purpose of inducing him to vote 'or refrain from voting, shall be guilty of bribery, and shall 'be punishable accordingly; and any person on whose behalf 'and with whose privity any such payment as in this section 'mentioned is made shall also be guilty of bribery, and

‘punishable accordingly.’ The enactment is so expressed that it would include not only the first occurring election, but any future election with which the corrupt payment could as matter of proof be connected. It also strikes at the action of associations or committees, although there would be much greater difficulty in bringing home a charge of bribery against ordinary subscribers to the funds of an association or committee than there would be in doing so against the chairman or other officials (*see* § 3 (64), Schedule III. Part II. of the Corrupt and Illegal Practices Act, 1883). Of course it is necessary in every case to prove a corrupt purpose.

## 2. *The Laws for the Trial of Controverted Elections.*

We have elsewhere (Nicolson, p. 253-258) explained very briefly the constitution of the tribunal and the nature of the procedure established by the Parliamentary Elections Act, 1868, for the trial of election petitions. Several important changes on the procedure have been introduced by the Corrupt and Illegal Practices Act, 1883. In particular, § 40 alters the time for the presentation of election petitions, and makes provision for their amendment with the leave of the Court. Section 41 is directed against the collusive withdrawal of a petition. Section 42 provides for the trial of election petitions, proceeding, as far as practicable, *de die in diem*. Sections 41, 42, and 45 provide for the intervention of the public prosecutor. Section 44 gives the Court very wide powers in laying the costs of election petitions upon individuals proved to have been guilty of or concerned in corrupt practices; and even ‘if it appears to the Court that ‘corrupt practices extensively prevailed in reference to the ‘said election, the Court may order the whole or part of the ‘costs to be paid by the county or burgh.’

Lastly, by way of relieving the general severity of the Statute, § 49 gives a practical amnesty to all offenders unconvicted or unreported before its date. The terms of the section are: ‘Notwithstanding the provisions of the Act ‘15 & 16 Vict. c. 57, or any amendment thereof, in any case ‘where, after the passing of this Act, any commissioners ‘have been appointed on a joint address of both Houses of



‘Parliament, for the purpose of making inquiry into the  
‘existence of corrupt practices in any election, the said com-  
‘missioners shall not make inquiries concerning any election  
‘that shall have taken place prior to the passing of this  
‘Act; and no witness called before such commissioners, or  
‘at any election petition after the passing of this Act,  
‘shall be liable to be asked or bound to answer any question  
‘for the purpose of proving the commission of any corrupt  
‘practice at or in relation to any election prior to the pass-  
‘ing of this Act: Provided that nothing herein contained  
‘shall affect any proceeding that shall be pending at the time  
‘of such passing.’

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## APPENDIX.



# APPENDIX.

## PART I.

### No. I.

41 & 42 VICT. c. 41.

*An Act to enable Returning Officers at Parliamentary Elections in Scotland to require Security for their expenses; and otherwise to amend the Law of Scotland relating to such expenses.*—[8th August, 1878.]

WHEREAS it is expedient to amend the law relating to the expenses and charges of returning officers at parliamentary elections in Scotland, and otherwise to amend the law of Scotland relating to such expenses:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

I. This Act may be cited for all purposes as the Parliamentary Elections, Returning Officers Expenses (Scotland) Act, 1878, and the Ballot Act, 1872, as modified by this Act, and this Act shall be construed as one Act.

Short title and construction of Act.  
35 & 36 Vict. c. 33.

II. This Act shall extend to Scotland only, and only to parliamentary elections.

Extent of Act.

III. The returning officer, if he think fit, may, as hereinafter provided, require security to be given for the charges which may become payable under the provisions of any Act of Parliament in respect of any election.

Returning officer may require deposit or security.

The total amount of the security which may be required in respect of all the candidates at an election shall not in any case exceed the sums prescribed in the Schedule to this Act.

Where security is required by the returning officer it shall be apportioned and given as follows—viz.,

- (1.) At the end of the two hours appointed for the election the returning officer shall forthwith declare the number of the candidates who then stand nominated, and shall, if there be more candidates nominated than there are vacancies to be filled up, apportion equally among them the total amount of the required security:
- (2.) Within one hour after the end of the two hours aforesaid, security shall be given, by or in respect of each candidate then standing nominated, for the amount so apportioned to him:
- (3.) If in the case of any candidate security is not given or tendered as herein mentioned, he shall be deemed to be withdrawn within the provisions of the Ballot Act, 1872:

35 & 36 Vict. c. 33.

iv PARLIAMENTARY ELECTIONS EXPENSES ACT. [APPENDIX.

- (4.) A tender of security in respect of a candidate may be made by any person :
- (5.) Security may be given by deposit of any legal tender or of notes of any bank being commonly current in the county or burgh for which the election is held, or with the consent of the returning officer, in any other manner :
- (6.) The balance (if any) of a deposit beyond the amount to which the returning officer is entitled in respect of any candidate shall be repaid to the person or persons by whom the deposit was made.

Use of ballot boxes, &c. provided for municipal elections. 35 & 36 Vict. c. 32. § 14.

IV. In any case to which the fourteenth section of the Ballot Act, 1872, is applicable, it shall be the duty of the returning officer, so far as is practicable, to make use of ballot boxes, fittings, and compartments provided for municipal or school-board elections, and the Court, upon taxation of his accounts, shall have regard to the provisions of this section.

Saving of the universities.

V. Nothing in this Act shall apply to an election for any university or combination of universities.

Commencement and duration of Act.

VI. On and after the passing of this Act it shall come into operation, and shall continue in force until the thirty-first day of December one thousand eight hundred and eighty, and no longer, unless Parliament shall otherwise determine.

# SCHEDULE.

MAXIMUM AMOUNT of SECURITY which may be required by a RETURNING OFFICER.

	County or District of Contributory Burghs.	Burghs.
	£	£
Where the registered electors do not exceed 1000.	150	100
Where the registered electors exceed 1000 but do not exceed 2000.	200	150
Where the registered electors exceed 2000 but do not exceed 4000.	275	200
Where the registered electors exceed 4000 but do not exceed 7000.	400	250
Where the registered electors exceed 7000 but do not exceed 10,000.	550	300
Where the registered electors exceed 10,000 but do not exceed 15,000.	700	450
Where the registered electors exceed 15,000 but do not exceed 20,000.	800	500
Where the registered electors exceed 20,000 but do not exceed 30,000.	900	600
Where the registered electors exceed 30,000 but do not exceed 40,000.	1000	700
Where the registered electors exceed 40,000 but do not exceed 50,000.	—	1000
Where the registered electors exceed 50,000 but do not exceed 60,000.	—	1300
Where the registered electors exceed 60,000.	—	1600

If at the end of the two hours appointed for the election not more candidates stand nominated than there are vacancies to be filled up, the maximum amount which may be required is one fifth of the maximum according to the above scale.<sup>1</sup>

## No. II.

## 43 VICT. C. 18.

*An Act to amend the Law relating to the Conveyance of Voters to the Poll, and to continue the Acts relating to the Prevention of Corrupt Practices at Parliamentary Elections and the Acts relating to Election Petitions.*—[24th March, 1880.]

WHEREAS by section thirty-six of the Representation of the People Act, 1867, it is enacted that it shall not be lawful for any candidate, or any one on his behalf, at any election for a borough, except certain boroughs therein mentioned, to pay any money on account of the conveyance of any voter to the poll, either to the voter himself or to any other person, and that any such payment shall be deemed to be an illegal payment, and it is expedient to amend such enactment :

And whereas the Acts mentioned in the schedule hereto expire on the thirty-first day of December, one thousand eight hundred and eighty, it is expedient to continue the same :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

I. This Act may be cited as the Parliamentary Elections and Corrupt Practices Act, 1880.

Short title.

II. The thirty-sixth section of the Representation of the People Act, 1867, shall be repealed so far as concerns the conveyance of voters within any borough.

Repeal of sect. 36 of 30 & 31 Vict. c. 102 as to payment of expenses of conveyance of voters.

III. In all elections whatever of a member or members to serve in Parliament for any county, division of a county, or for any city or burgh, or district of burghs, in Scotland, no inquiry shall be permitted at the time of polling as to the right of any person to vote, except only as follows ; (that is to say,) that the presiding officer or clerk appointed by the returning officer to attend at a polling station shall, if required on behalf of any candidate, put to any voter at the time of his tendering his vote, and not afterwards, the following questions, or either of them :

Amendment of law as to parliamentary elections in Scotland.

1. Are you the same person whose name appears as *A.B.* on the register of voters now in force for the county of  [or for the  division of the county of ], or for the city [or burgh] of , or for the district of burghs [as the case may be]?
2. Have you already voted, either here or elsewhere, at this

<sup>1</sup> Continued by the Expiring Laws Continuance Act.

election for the county of [or for the  
division of the county of ],  
or for the city [or burgh] of , or for  
the district of burghs [as the case  
may be]?

And if any person shall wilfully make a false answer to either of the questions aforesaid, he shall be deemed guilty of a crime and offence within the meaning of the Ballot Act, 1872.

35 & 36 Vict.  
c. 33.  
Continuance of  
Acts.

IV. This Act and the Acts mentioned in the schedule to this Act, so far as they are unrepealed, shall continue in force until the thirty-first day of December, one thousand eight hundred and eighty-one, and any enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner.<sup>1</sup>

### SCHEDULE.

#### ACTS REFERRED TO.

Session and Chapter.	Title.
17 & 18 Vict. c. 102.	The Corrupt Practices Prevention Act, 1854.
21 & 22 Vict. c. 87.	An Act to continue and amend the Corrupt Practices Prevention Act, 1854.
26 & 27 Vict. c. 29.	An Act to amend and continue the Law relating to Corrupt Practices at Elections of Members of Parliament.
31 & 32 Vict. c. 125.	The Parliamentary Elections Act, 1868.
32 & 33 Vict. c. 21.	The Corrupt Practices Commission Expenses Act, 1869.
34 & 35 Vict. c. 61.	The Election Commissioners Expenses Act, 1871.
42 & 43 Vict. c. 75.	The Parliamentary Elections and Corrupt Practices Act, 1879.

### No. III.

43 & 44 VICT. c. 6.

*An Act to amend the Representation of the People (Scotland) Act, 1868.*—[19th July, 1880.]

WHEREAS questions have arisen upon the occupation of houses in counties required by the sixth section of the Representation of the People (Scotland) Act, 1868:

31 & 32 Vict.  
c. 48.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:

<sup>1</sup> Continued by the Expiring Laws Continuance Act.

I. This Act shall be cited for all purposes as the House Short title.  
Occupiers in Counties Disqualification Removal (Scotland) Act,  
1880.

II. From and after the passing of this Act every man shall be Letting as  
entitled to be registered and to vote under the provisions of the furnished  
said section, notwithstanding that during a part of the qualifying house for  
period, not exceeding four months in the whole, he shall by letting certain  
or otherwise have permitted the qualifying premises to be occupied periods  
as a furnished house by some other person. not to dis-  
qualify.

#### No. IV.

#### 44 & 45 VICT. C. 40.

*An Act to make further provision in regard to the Registration of  
Parliamentary Voters, and also in regard to the taking of the  
Poll by means of Voting Papers in the Universities of Scot-  
land.*—[22nd August, 1881.]

WHEREAS it is expedient to amend the law relating to the  
manner of voting at the election of members of Parliament for the  
Universities of Scotland: Be it enacted by the Queen's most  
Excellent Majesty, by and with the advice and consent of the Lords  
Spiritual and Temporal, and Commons, in this present Parliament  
assembled, and by the authority of the same, as follows:

I. This Act shall be cited for all purposes as the Universities Short title.  
Elections Amendment (Scotland) Act, 1881.

II. So many of the regulations with respect to the polling at Amendment of  
the elections for the Universities directed to be observed by 31 & 32 Vict. c.  
sections 38 and 39 of the Representation of the People (Scotland) 48, §§ 38, 39.  
Act, 1868, as are inconsistent with this Act, are hereby repealed,  
and in place thereof it is enacted that the following regulations  
shall be deemed and taken to be a part of the 38th and 39th  
sections of the said recited Act, and the recited Act shall, on and  
after the passing of this Act, be read and construed as if the 38th  
and 39th sections had included the following terms and provisions:

1. If more than one candidate shall be proposed, and a poll  
shall be demanded, the proceedings shall be adjourned for  
the purpose of taking the poll for not less than twelve or  
more than twenty clear days, exclusive of Saturdays and  
Sundays. On the day to which the proceedings have been  
adjourned as aforesaid for the purpose of taking the poll,  
the polling shall commence at each University by opening  
the voting papers, as hereinafter provided, at eight o'clock  
in the morning, and shall continue for such period, not  
being less than four or more than six days (exclusive of  
Sundays), as the returning officer shall determine and  
announce in the public intimation of the adjournment for  
the purpose of taking the poll, but no poll shall be kept  
open later than four o'clock in the afternoon.

Duration of the  
poll.



Electors to vote  
by voting papers  
only.

2. In case of a poll at an election, the votes shall be given by means of voting papers, and no voter shall be allowed to vote in person, or in any other way than is provided by this Act. Each voting paper shall be in the form or to the effect set forth in the Schedule (A) annexed to this Act. Each voting paper shall have a number printed or written on the back thereof, and shall have attached a counterfoil with the same number printed or written on the face. Before a voting paper is issued to a voter as hereinafter provided, it shall be marked with an official mark, either stamped or perforated, and the number of such voter, as stated on the register of voters, shall be marked on the counterfoil, and a mark shall be placed in the register or any copy thereof used for the purposes of the election against the number of the voter to denote that a voting paper has been issued to him.

Registrar of  
University to  
issue voting pa-  
pers and letters  
of intimation.

3. In case of a poll the registrar of the University, as soon as he conveniently can after the day of demand for a poll, and not later than six clear days thereafter (exclusive of Sundays), shall issue simultaneously through the post a voting paper, in the form or to the effect set forth in Schedule (A) annexed to this Act, to each voter to his address as entered on the register of the general council of the University, who shall appear from said address to be resident within the United Kingdom or the Channel Islands; and such voting paper (the Christian name, surname, designation, and residence of the voter as appearing on the register having previously been filled in by the registrar, or some one having his authority), contained in an envelope marked on the outside as sent by the registrar of the University, shall be accompanied by a letter of intimation in the form or to the effect set forth in Schedule (B) hereunto annexed, and by a stamped envelope addressed to the registrar, for the return of the said voting paper; and each voter, upon receipt of his voting paper, if he desires to vote in the election, shall insert in the voting paper the name of the candidate for whom he votes, and the place and date of signature, and affix his subscription thereto, in the presence of one witness who shall personally know the voter, and who shall attest the fact of such voting paper having been signed by the voter in his presence at the place therein mentioned by signing his name at the foot thereof, and adding his designation and place of residence in the form or to the effect set forth in Schedule (A) hereunto annexed.

Return of voting  
paper.

4. Thereafter the voting paper, so signed and attested as aforesaid, shall, if the voter desires to vote in the election, be returned through the post to the registrar of the University by whom it was issued, so as to reach him not later

than the time named for the return of the voting paper. Each voting paper, when received back by the registrar, shall be kept by him unopened in a fireproof safe, or other place of safety, until the poll begins.

5. If a voter, before or after he has received a voting paper, shall intimate or cause to be intimated in writing to the registrar that he is incapacitated from blindness or other physical cause to vote in the manner prescribed by this Act, it shall be lawful for the registrar, on getting back the voting paper from the voter, if such has been issued, to issue to the voter so incapacitated a voting paper in the form or to the effect set forth in Schedule (C) hereunto annexed; and on said voting paper being received by the voter, it shall be competent for him to record his vote by the hand of a justice of the peace in the manner therein directed; and the said justice of peace shall certify and attest the fact of his having been requested and authorised by the voter to sign said voting paper for him, and of its having been so signed by him in presence of the voter by signing an attestation in the form or to the effect of Schedule (C) hereunto annexed; and such voting paper, when received by the registrar, shall have the same effect and be similarly dealt with as a voting paper signed by a voter in the form or to the effect set forth in Schedule (A) hereunto annexed. Incapacitated voter.
6. A voter who has not received a voting paper sent by post as aforesaid to his address as appearing on the register, or who has before redelivery thereof to the registrar, inadvertently spoilt his voting paper in such manner that it cannot be conveniently used as a voting paper, or who has lost his voting paper, may, on his transmitting to the registrar a declaration signed by himself before a justice of the peace setting forth the fact of the non-receipt, the inadvertent spoiling, or the loss of the voting paper, require the registrar to send him a new voting paper in place of the one not received, or spoilt, or lost; and in case the voting paper has been spoilt, the spoilt voting paper shall be returned to the registrar, and when received by him shall be immediately cancelled, and in every case where a new voting paper is issued a mark shall be placed opposite the number of the voter's name on the register, to denote that a new voting paper has been issued in place of the one not received, or spoilt, or lost. New voting paper.
7. A voter who does not appear from his address as entered on the register to be resident within the United Kingdom or the Channel Islands, may apply in writing to the registrar to send a voting paper to him to an address within the United Kingdom or the Channel Islands. Application for voting paper.
8. The registrar, upon receiving an application in terms of Registrar to transmit new voting paper.

either of the two preceding sub-sections at any time before the day on which the poll begins, shall forthwith transmit a new voting paper, or a voting paper, as the case may be, to the address as appearing on the register, or to the address within the United Kingdom or Channel Islands, as the case may be: Provided always, that no person shall be entitled to vote at any election by more than one voting paper, and that no voting paper containing the names of more candidates than the voter is entitled to vote for at such election shall be received or counted: Provided also, that the registrar shall open all letters coming addressed to him from the Dead Letter Office after the date of his issuing the voting papers, in order to ascertain and make public the names and addresses of the voters whose voting papers have not reached them, which he shall do by exhibiting publicly at his office in the University as they reach him a list of the names and addresses of the voters whose letters have been returned to him from the Dead Letter Office, for the information of all concerned. No voting paper shall be counted which does not reach the registrar before ten of the clock on the morning of the day on which the poll closes.

Polling of votes.

9. When the poll begins, the voting papers shall be opened and examined by the registrar in the presence of the vice-chancellor or his pro-vice-chancellors and the candidates, or the agents, if any, of the candidates, and the voting papers found to be marked with the official mark and the number on the back as appearing on the counterfoil, and otherwise regular, shall be counted and put apart until the end of the poll. Any voting paper which has not the official mark and the number on the back as appearing on the counterfoil, or which is in the opinion of the vice-chancellor or his pro-vice-chancellor otherwise wanting in any of the essential conditions required by this Act, shall not be counted as a vote in the election, but shall be sealed up in a paper apart, marked on the back thereof with the words "voting paper received but rejected," and initialed by the vice-chancellor or a pro-vice-chancellor.

Voting papers may be objected to by any candidate or agent in attendance.

10. It shall be lawful for any candidate, or the agents of the candidates who may be in attendance, to inspect any voting paper before the same shall be counted, and to object to it on one or more of the following grounds:

1. That the voter named in the voting paper has already voted at that election:
2. That the person giving a vote by the voting paper is not qualified to vote:
3. That the voting paper is forged or falsified:
4. That the voting paper is wanting in any of the essential conditions required by this Act:

and the vice-chancellor, or one of his pro-vice-chancellors, shall have power to reject or receive, or receive and record as objected to, any voting papers: Provided, that in case the objection offered to any voting paper shall be that it is forged or falsified, such vice-chancellor or pro-vice-chancellor shall receive and count such voting paper, having previously written upon it, "objected to as forged," or, "objected to as falsified," together with the name of the person making such objection.

11. After the close of the poll the papers which shall have been counted shall be sealed up in a paper marked on the back thereof with the words, "papers received and counted," and initialed by the vice-chancellors or pro-vice-chancellors of the respective Universities, and the vice-chancellors of the Universities of St. Andrews and Aberdeen shall immediately transmit to the respective returning officers a certificate in the form or to the effect set forth in Schedule (D) hereunto annexed, subscribed by them respectively in presence of the candidates or their agents or of any three members of the general council of the respective Universities, and each of these returning officers shall, as soon as he conveniently can, in presence of the candidates, or of the agents, if any, of the candidates who may be in attendance, cast up the votes for the two Universities for which he is returning officer, and declare to be elected the candidate for whom the majority of votes has been given. Transmission of certificate of votes and declaration of the poll.
12. Where an equality of votes is found to exist between any candidates at an election for the Universities, and where the addition of a vote would entitle any one of such candidates to be declared elected, the returning officer, if a member of the general council of either of the Universities for which the election is being held, may give such additional vote, but shall not in any other case be entitled to vote at an election for which he is returning officer. In an equality of votes returning officer may vote.
13. All voting papers received and counted at such election, and the counterfoils thereof, as well as any voting papers rejected for informality, or on any other ground, and the counterfoils thereof, shall be filed, and, along with any copy of the register used for the purposes of said election, shall be kept by the registrar or other officer entrusted with the care of the documents relating to the election; and any person shall be allowed to examine such voting papers, register, and other documents, at all reasonable times, on payment of a fee of one shilling, and to take copies thereof on payment of one shilling for each hundred voting papers or names in the register so copied. Voting papers to be filed.
14. Any person falsely or fraudulently signing any voting paper in the name of any other person, either as a voter or as a witness, and every person signing, certifying, attesting, or Penalty for falsely signing voting papers.

transmitting as genuine any false or falsified voting paper, knowing the same to be false or falsified, or with fraudulent intent altering, defacing, destroying, withholding, or abstracting any voting paper, shall be guilty of a crime and offence, and shall be punishable by fine or imprisonment for a term not exceeding one year.

Voting papers not liable to stamp duty.  
Every graduate to become a member of general council, and certain ex-officio members of council to continue members.

15. No such voting paper as hereinbefore mentioned shall be liable to any stamp duty.

16. On and after the passing of this Act, no person shall be allowed after examination to graduate at any of the Universities of Scotland until he shall have paid, as a registration fee, a sum not exceeding twenty shillings to the general University fund of the University at which he wishes to graduate, the amount and period of payment of such fee to be fixed from time to time by the University court of the said University, and thereafter the name, designation, qualification, and ordinary place of residence of each person qualified as at present to become a member of the general council of his University shall, on his graduation, be entered by the registrar in the registration book, made up in terms of the twenty-ninth section of the Representation of the People (Scotland) Act, 1868, in order to their being transferred to the register of members of the general council at the next revisal of the same, in terms of the thirty-fifth section of the last-mentioned Act; and every person who has hitherto been or who shall in the future become ex-officio a member of the general council of any of the Universities, owing either to his having been a professor in or having held office as member of a University court in any University, shall, on payment of a registration fee as aforesaid, be put and continued on the register of members of general council of said University during his life, and shall be entitled to all the privileges of a member of council: Provided always, that no person subject to any legal incapacity shall be entitled to vote at any parliamentary election or exercise any other privilege as a member of the general council of any University.

31 & 32 Vict.  
c. 48.

Corrupt payment of registration fee to be punishable as bribery.

17. Any person either directly or indirectly corruptly paying any fee for the purpose of enabling any person to be registered as a member of the general council, and thereby to influence his vote at any future election, and any candidate or other person either directly or indirectly paying such fee on behalf of any person for the purpose of inducing him to vote or to refrain from voting, shall be guilty of bribery, and shall be punishable accordingly; and any person on whose behalf and with whose privity any such payment as in this section mentioned is made shall also be guilty of bribery, and punishable accordingly.

18. The candidates shall be bound to pay and contribute among them the expenses necessarily incurred by the registrars in preparing and issuing the voting papers and in taking the poll, together with a reasonable remuneration for their trouble in reference thereto, as the same shall be determined by the returning officer. Polling expenses.
19. All statutes, customs, ordinances, and enactments inconsistent with this Act are hereby repealed. Repeal of Acts inconsistent herewith.

## SCHEDULES.

### SCHEDULE (A).

#### PARLIAMENTARY ELECTION, 18 .

##### UNIVERSITY OF (*name of University*) VOTING PAPER.

No. (*number of voter as on the register*).

I, *A.B.* (*the Christian name, surname, and designation of the voter*), entered on the register as residing at (*residence as appearing on the register*), hereby declare that I have not before voted at this election, and hereby give my vote at this election for

Witness my hand at            this            day of            , 18 .  
(Signed)    *A.B.*

Signed by *A.B.*, who is personally known to me, at the place and of the date above mentioned in my presence.

(Signed)    *C.D.*  
 (*Add designation and place of residence.*)

[SCHEDULE B.]

## SCHEDULE (B).

PARLIAMENTARY ELECTION, 18 .

UNIVERSITY OF (*name of University*).

## REGISTRAR'S LETTER.

No. (*number of voter as on the register*).

Persons nominated.	Proposed by	Seconded by
<i>A.B.</i> <i>C.D.</i>	<i>Name of Proposer.</i> <i>Do.</i>	<i>Name of Seconder.</i> <i>Do.</i>

SIR,

I have to intimate that the above-named persons have been nominated for the office of member of Parliament. Along with this letter you will receive a voting paper, and, should you desire to vote at this election, I have to request that you will insert in the blanks of the voting paper the name of the person for whom you vote and the place and date of your signing, and having signed your name thereto in the presence of one witness, who will also sign his name as directed, you will return the voting paper by post to me at the University of , so as to reach me on or before 10 A.M. of (*insert the day on which the poll finally closes*).

I am, &amp;c.

(Signed) G.H., Registrar.

(Date).

## SCHEDULE (C).

PARLIAMENTARY ELECTION, 18 .

UNIVERSITY OF (*name of University*) VOTING PAPER.

## INCAPACITATED VOTER.

No. (*number of voter as on the register*).

I, *A.B.* (*the Christian name and surname of the voter in full, and his designation and residence, to be filled in by the registrar or some one authorised by him*), hereby declare that I have not before voted at this election, and hereby give my vote for , and have requested and authorised *C.D.*, a justice of peace, to fill in the name of the candidate voted for, and subscribe this voting paper for me, as I am from (*state the incapacity*) unable to write.

I, *C.D.*, a justice of peace for \_\_\_\_\_, and residing at \_\_\_\_\_, hereby declare that *A.B.*, before named, being personally known to me, did in my presence make the declaration before mentioned, and did duly request and authorise me to fill in the name of \_\_\_\_\_ as the candidate voted for at this election, and to subscribe this voting paper for him, which I did on \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_.

(Signed) *C.D.*, a justice of peace for \_\_\_\_\_, and residing at \_\_\_\_\_.

## SCHEDULE (D).

PARLIAMENTARY ELECTION, 18 \_\_\_\_.

UNIVERSITY OF (*name of University*).

I, *A.B.*, Vice-Chancellor of the said University, hereby declare that the voting papers in this election have been duly counted, and that the following is the result:—

Number.

Voting papers in favour of \_\_\_\_\_,  
 Voting papers in favour of \_\_\_\_\_,  
 (*In accordance with the number of candidates voted for.*)

Certified by me and signed by me at \_\_\_\_\_ on \_\_\_\_\_  
 at \_\_\_\_\_ o'clock afternoon.

(Signed) *A.B.*,  
 Vice-Chancellor of \_\_\_\_\_ University.

(Addressed)  
 To the Returning Officer of  
 the Universities of \_\_\_\_\_  
 and \_\_\_\_\_.

In presence of

{ (*This must be signed in presence  
 of the candidates or their agents,  
 or three members of the general  
 council of the University, who  
 must also subscribe.*)



No. V.

46 & 47 VICT. c. 51.

*An Act for the better prevention of Corrupt and Illegal Practices at Parliamentary Elections.*—[25th August, 1883.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

*Corrupt Practices.*

What is treating.

I. Whereas under section four of the Corrupt Practices Prevention Act, 1854, persons other than candidates at Parliamentary elections are not liable to any punishment for treating, and it is expedient to make such persons liable ; be it therefore enacted in substitution for the said section four as follows :—

- (1.) Any person who corruptly by himself or by any other person, either before, during, or after an election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing, any meat drink entertainment or provision to or for any person, for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at the election, or on account of such person or any other person having voted or refrained from voting, or being about to vote or refrain from voting at such election, shall be guilty of treating.
- (2.) And every elector who corruptly accepts or takes any such meat drink entertainment or provision shall also be guilty of treating.

What is undue influence.

II. Every person who shall directly or indirectly, by himself or by any other person on his behalf, make use of or threaten to make use of any force, violence, or restraint, or inflict or threaten to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who shall by abduction, duress, or any fraudulent device or contrivance impede or prevent the free exercise of the franchise of any elector, or shall thereby compel, induce, or prevail upon any elector either to give or to refrain from giving his vote at any election, shall be guilty of undue influence.

What is corrupt practice.

III. The expression "corrupt practice" as used in this Act means any of the following offences ; namely, treating and undue influence, as defined by this Act, and bribery, and personation, as defined by the enactments set forth in Part III. of the Third Schedule to this Act, and aiding, abetting, counselling, and procuring the commission of the offence of personation, and every offence which is a corrupt practice within the meaning of this Act

shall be a corrupt practice within the meaning of the Parliamentary Elections Act, 1868. 31 & 32 Vict. c. 125.

IV. Where upon the trial of an election petition respecting an election for a county or borough the election court, by the report made to the Speaker in pursuance of section eleven of the Parliamentary Elections Act, 1868, reports that any corrupt practice other than treating or undue influence has been proved to have been committed in reference to such election by or with the knowledge and consent of any candidate at such election, or that the offence of treating or undue influence has been proved to have been committed in reference to such election by any candidate at such election, that candidate shall not be capable of ever being elected to or sitting in the House of Commons for the said county or borough, and if he has been elected, his election shall be void; and he shall further be subject to the same incapacities as if at the date of the said report he had been convicted on an indictment of a corrupt practice. Punishment of candidate found, on election petition, guilty personally of corrupt practices. 31 & 32 Vict. c. 125.

V. Upon the trial of an election petition respecting an election for a county or borough, in which a charge is made of any corrupt practice having been committed in reference to such election, the election court shall report in writing to the Speaker whether any of the candidates at such election has been guilty by his agents of any corrupt practice in reference to such election; and if the report is that any candidate at such election has been guilty by his agents of any corrupt practice in reference to such election, that candidate shall not be capable of being elected to or sitting in the House of Commons for such county or borough for seven years after the date of the report, and if he has been elected his election shall be void. Punishment of candidate found, on election petition, guilty by agents of corrupt practices.

VI. (1.) A person who commits any corrupt practice other than personation, or aiding, abetting, counselling, or procuring the commission of the offence of personation, shall be guilty of a misdemeanour, and on conviction on indictment shall be liable to be imprisoned, with or without hard labour, for a term not exceeding one year, or to be fined any sum not exceeding two hundred pounds. Punishment of persons convicted on indictment of corrupt practices.

(2.) A person who commits the offence of personation, or of aiding, abetting, counselling, or procuring the commission of that offence, shall be guilty of felony, and any person convicted thereof on indictment shall be punished by imprisonment for a term not exceeding two years, together with hard labour.

(3.) A person who is convicted on indictment of any corrupt practice shall (in addition to any punishment as above provided), be not capable during a period of seven years from the date of his conviction:

- (a) of being registered as an elector, or voting at any election in the United Kingdom, whether it be a parliamentary election or an election for any public office within the meaning of this Act; or
- (b) of holding any public or judicial office within the meaning

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of this Act, and if he holds any such office the office shall be vacated.

(4.) Any person so convicted of a corrupt practice in reference to any election shall also be incapable of being elected to and of sitting in the House of Commons during the seven years next after the date of his conviction, and if at that date he has been elected to the House of Commons his election shall be vacated from the time of such conviction.

*Illegal Practices.*

Certain expenditure to be illegal practice.

VII. (1.) No payment or contract for payment shall, for the purpose of promoting or procuring the election of a candidate at any election, be made—

(a) On account of the conveyance of electors to or from the poll, whether for the hiring of horses or carriages, or for railway fares, or otherwise; or

(b) To an elector on account of the use of any house, land, building, or premises for the exhibition of any address, bill, or notice, or on account of the exhibition of any address, bill, or notice; or

(c) On account of any committee room in excess of the number allowed by the First Schedule to this Act.

(2.) Subject to such exception as may be allowed in pursuance of this Act, if any payment or contract for payment is knowingly made in contravention of this section either before, during, or after an election, the person making such payment or contract shall be guilty of an illegal practice, and any person receiving such payment or being a party to any such contract, knowing the same to be in contravention of this Act, shall also be guilty of an illegal practice.

(3.) Provided that where it is the ordinary business of an elector as an advertising agent to exhibit for payment bills and advertisements, a payment to or contract with such elector, if made in the ordinary course of business, shall not be deemed to be an illegal practice within the meaning of the section.

Expense in excess of maximum to be illegal practice.

VIII. (1.) Subject to such exception as may be allowed in pursuance of this Act, no sum shall be paid and no expense shall be incurred by a candidate at an election or his election agent, whether before, during, or after an election, on account of or in respect of the conduct or management of such election, in excess of any maximum amount in that behalf specified in the First Schedule to this Act.

(2.) Any candidate or election agent who knowingly acts in contravention of this section shall be guilty of an illegal practice.

Voting by prohibited persons and publishing

IX. (1.) If any person votes or induces or procures any person to vote at any election, knowing that he or such person is pro-

hibited, whether by this or any other Act from voting at such election, he shall be guilty of an illegal practice.

(2.) Any person who before or during an election knowingly publishes a false statement of the withdrawal of a candidate at such election for the purpose of promoting or procuring the election of another candidate shall be guilty of an illegal practice.

(3.) Provided that a candidate shall not be liable, nor shall his election be avoided, for any illegal practice under this section committed by his agent other than his election agent.

X. A person guilty of an illegal practice, whether under the foregoing sections or under the provisions hereinafter contained in this Act, shall on summary conviction be liable to a fine not exceeding one hundred pounds and be incapable during a period of five years from the date of his conviction of being registered as an elector or voting at any election (whether it be a parliamentary election or an election for a public office within the meaning of this Act), held for or within the county or borough in which the illegal practice has been committed.

XI. Whereas by sub-section fourteen of section eleven of the Parliamentary Elections Act, 1868, it is provided that where a charge is made in an election petition of any corrupt practice having been committed at the election to which the petition refers, the judge shall report in writing to the Speaker as follows:—

- (a.) "Whether any corrupt practice has or has not been proved  
"to have been committed by or with the knowledge and  
"consent of any candidate at such election, and the nature  
"of such corrupt practice ;
- (b.) "The names of all persons, if any, who have been proved  
"at the trial to have been guilty of any corrupt practice ;
- (c.) "Whether corrupt practices have, or whether there is  
"reason to believe corrupt practices have, extensively pre-  
"vailed at the election to which the petition relates":

And whereas it is expedient to extend the said sub-section to illegal practices:

Be it therefore enacted as follows:—

Sub-section fourteen of section eleven of the Parliamentary Elections Act, 1868, shall apply as if that sub-section were herein re-enacted with the substitution of illegal practice within the meaning of this Act for corrupt practice; and upon the trial of an election petition respecting an election for a county or borough, the election court shall report in writing to the Speaker the particulars required by the said sub-section as herein re-enacted, and shall also report whether any candidate at such election has been guilty by his agents of any illegal practice within the meaning of this Act in reference to such election, and the following consequences shall ensue upon the report by the election court to the Speaker; (that is to say),

- (a.) If the report is that any illegal practice has been proved to have been committed in reference to such election by or

of false statements of withdrawal to be illegal.

Punishment on conviction of illegal practice.

Report of Election court respecting illegal practice, and punishment of candidate found guilty by such report.  
31 & 32 Vict. c. 125.

31 & 32 Vict. c. 125.

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with the knowledge and consent of any candidate at such election, that candidate shall not be capable of being elected to or sitting in the House of Commons for the said county or borough for seven years next after the date of the report, and if he has been elected his election shall be void; and he shall further be subject to the same incapacities as if at the date of the report he had been convicted of such illegal practice; and

- (b.) If the report is that a candidate at such election has been guilty by his agents of any illegal practice in reference to such election, that candidate shall not be capable of being elected to or sitting in the House of Commons for the said county or borough during the Parliament for which the election was held, and if he has been elected, his election shall be void.

Extension of 15 & 16 Vict. c. 57, respecting election commissioners to illegal practices. 15 & 16 Vict. c. 57. 31 & 32 Vict. c. 125.

XII. Whereas by the Election Commissioners Act, 1852, as amended by the Parliamentary Elections Act, 1868, it is enacted that where a joint address of both Houses of Parliament represents to Her Majesty that an election court has reported to the Speaker that corrupt practices have, or that there is reason to believe that corrupt practices have, extensively prevailed at an election in any county or borough, and prays Her Majesty to cause inquiry under that Act to be made by persons named in such address (being qualified as therein mentioned), it shall be lawful for Her Majesty to appoint the said persons to be election commissioners for the purpose of making inquiry into the existence of such corrupt practices:

And whereas it is expedient to extend the said enactments to the case of illegal practices:

Be it therefore enacted as follows:—

15 & 16 Vict. c. 57.

When election commissioners have been appointed in pursuance of the Election Commissioners Act, 1852, and the enactments amending the same, they may make inquiries and act and report as if 'corrupt practices' in the said Act and the enactments amending the same included illegal practices; and the Election Commissioners Act, 1852, shall be construed with such modifications as are necessary for giving effect to this section, and the expression 'corrupt practice' in that Act shall have the same meaning as in this Act.

*Illegal Payment, Employment, and Hiring.*

Providing of money for illegal practice or payment to be illegal payment.

XIII. Where a person knowingly provides money for any payment which is contrary to the provisions of this Act, or for any expenses incurred in excess of any maximum amount allowed by this Act, or for replacing any money expended in any such payment or expenses, except where the same may have been previously allowed in pursuance of this Act to be an exception, such person shall be guilty of illegal payment.

XIV. (1.) A person shall not let, lend, or employ for the purpose of the conveyance of electors to or from the poll, any public stage or hackney carriage, or any horse or other animal kept or used for drawing the same, or any carriage, horse, or other animal which he keeps or uses for the purpose of letting out for hire, and if he lets, lends, or employs such carriage, horse, or other animal, knowing that it is intended to be used for the purpose of the conveyance of electors to or from the poll, he shall be guilty of an illegal hiring.

Employment of hackney carriages, or of carriages and horses kept for hire.

(2.) A person shall not hire, borrow, or use for the purpose of the conveyance of electors to or from the poll any carriage, horse, or other animal which he knows the owner thereof is prohibited by this section to let, lend, or employ for that purpose, and if he does so he shall be guilty of an illegal hiring.

(3.) Nothing in this Act shall prevent a carriage, horse, or other animal being let to or hired, employed or used by any elector, or several electors at their joint cost, for the purpose of being conveyed to or from the poll.

(4.) No person shall be liable to pay any duty or to take out a license for any carriage by reason only of such carriage being used without payment or promise of payment for the conveyance of electors to or from the poll at an election.

XV. Any person who corruptly induces or procures any other person to withdraw from being a candidate at an election, in consideration of any payment or promise of payment, shall be guilty of illegal payment, and any person withdrawing, in pursuance of such inducement or procurement, shall also be guilty of illegal payment.

Corrupt withdrawal from a candidature.

XVI. (1.) No payment or contract for payment shall, for the purpose of promoting or procuring the election of a candidate at any election, be made on account of bands of music, torches, flags, banners, cockades, ribbons, or other marks of distinction.

Certain expenditure to be illegal payment.

(2.) Subject to such exception as may be allowed in pursuance of this Act, if any payment or contract for payment is made in contravention of this section, either before, during, or after an election, the person making such payment shall be guilty of illegal payment, and any person being a party to any such contract or receiving such payment shall also be guilty of illegal payment if he knew that the same was made contrary to law.

XVII. (1.) No person shall, for the purpose of promoting or procuring the election of a candidate at any election, be engaged or employed for payment or promise of payment for any purpose or in any capacity whatever, except for any purposes or capacities mentioned in the first or second parts of the First Schedule to this Act, or except so far as payment is authorised by the first or second parts of the First Schedule to this Act.

Certain employment to be illegal.

(2.) Subject to such exception as may be allowed in pursuance of this Act, if any person is engaged or employed in contravention of this section, either before, during, or after an election, the

person engaging or employing him shall be guilty of illegal employment, and the person so engaged or employed shall also be guilty of illegal employment if he knew that he was engaged or employed contrary to law.

Name and address of printer on placards.

XVIII. Every bill, placard, or poster having reference to an election shall bear upon the face thereof the name and address of the printer and publisher thereof; and any person printing, publishing, or posting, or causing to be printed, published, or posted, any such bill, placard, or poster as aforesaid, which fails to bear upon the face thereof the name and address of the printer and publisher, shall, if he is the candidate, or the election agent of the candidate, be guilty of an illegal practice, and if he is not the candidate, or the election agent of a candidate, shall be liable on summary conviction to a fine not exceeding one hundred pounds.

Saving for creditors.

XIX. The provisions of this Act prohibiting certain payments and contracts for payments and the payment of any sum, and the incurring of any expense in excess of a certain maximum, shall not affect the right of any creditor, who, when the contract was made or the expense was incurred, was ignorant of the same being in contravention of this Act.

Use of committee room in house for sale of intoxicating liquor or refreshment, or in elementary school to be illegal hiring.

XX. (a.) Any premises on which the sale by wholesale or retail of any intoxicating liquor is authorised by a license (whether the license be for consumption on or off the premises), or

(b.) Any premises where any intoxicating liquor is sold, or is supplied to members of a club, society, or association other than a permanent political club, or

(c.) Any premises whereon refreshment of any kind, whether food or drink, is ordinarily sold for consumption on the premises, or

(d.) The premises of any public elementary school in receipt of an annual parliamentary grant, or any part of any such premises, shall not be used as a committee room for the purpose of promoting or procuring the election of a candidate at an election, and if any person hires or uses any such premises or any part thereof for a committee room he shall be guilty of illegal hiring, and the person letting such premises or part, if he knew it was intended to use the same as a committee room, shall also be guilty of illegal hiring:

Provided that nothing in this section shall apply to any part of such premises which is ordinarily let for the purpose of chambers or offices or the holding of public meetings or of arbitrations, if such part has a separate entrance and no direct communication with any part of the premises on which any intoxicating liquor or refreshment is sold or supplied as aforesaid.

Punishment of illegal payment, employment, or hiring.

XXI. (1.) A person guilty of an offence of illegal payment, employment, or hiring shall, on summary conviction, be liable to a fine not exceeding one hundred pounds.

(2.) A candidate or an election agent of a candidate who is personally guilty of an offence of illegal payment, employment, or hiring shall be guilty of an illegal practice.

*Excuse and Exception for Corrupt or Illegal Practice or Illegal Payment, Employment, or Hiring.*

XXII. Where, upon the trial of an election petition respecting an election for a county or borough, the election court reports that a candidate at such election has been guilty by his agents of the offence of treating and undue influence, and illegal practice, or of any of such offences, in reference to such election, and the election court further report that the candidate has proved to the court—

Report exonerating candidate in certain cases of corrupt and illegal practice by agents.

- (a.) That no corrupt or illegal practice was committed at such election by the candidate or his election agent and the offences mentioned in the said report were committed contrary to the orders and without the sanction or connivance of such candidate or his election agent; and
- (b.) That such candidate and his election agent took all reasonable means for preventing the commission of corrupt and illegal practices at such election; and
- (c.) That the offences mentioned in the said report were of a trivial, unimportant, and limited character; and
- (d.) That in all other respects the election was free from any corrupt or illegal practice on the part of such candidate and of his agents;

then the election of such candidate shall not, by reason of the offences mentioned in such report, be void, nor shall the candidate be subject to any incapacity under this Act.

XXIII. Where, on application made, it is shown to the High Court or to an election court by such evidence as seems to the Court sufficient—

Power of High Court and election court to except innocent act from being illegal practice, &c.

- (a.) That any act or omission of a candidate at any election, or of his election agent, or of any other agent or person, would, by reason of being a payment, engagement, employment, or contract in contravention of this Act, or being the payment of a sum or the incurring of expense in excess of any maximum amount allowed by this Act, or of otherwise being in contravention of any of the provisions of this Act, be but for this section an illegal practice, payment, employment or hiring; and
- (b.) That such act or omission arose from inadvertence or from accidental miscalculation or from some other reasonable cause of a like nature, and in any case did not arise from any want of good faith; and
- (c.) That such notice of the application has been given in the county or borough for which the election was held as to the Court seems fit;

and under the circumstances it seems to the Court to be just that the candidate and the said election and other agent and person, or any of them, should not be subject to any of the consequences under



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this Act of the said act or omission, the Court may make an order allowing such act or omission to be an exception from the provisions of this Act, which would otherwise make the same an illegal practice, payment, employment, or hiring, and thereupon such candidate, agent, or person shall not be subject to any of the consequences under this Act of the said act or omission.

*Election Expenses.*

Nomination of  
election agent.

XXIV. (1.) On or before the day of nomination at an election, a person shall be named by or on behalf of each candidate as his agent for such election (in this Act referred to as the election agent).

(2.) A candidate may name himself as election agent, and thereupon shall, so far as circumstances admit, be subject to the provisions of this Act both as a candidate and as an election agent, and any reference in this Act to an election agent shall be construed to refer to the candidate acting in his capacity of election agent.

(3.) On or before the day of nomination the name and address of the election agent of each candidate shall be declared in writing by the candidate or some other person on his behalf to the returning officer, and the returning officer shall forthwith give public notice of the name and address of every election agent so declared.

(4.) One election agent only shall be appointed for each candidate, but the appointment, whether the election agent appointed be the candidate himself or not, may be revoked, and in the event of such revocation or his death, whether such event is before, during, or after the election, then forthwith another election agent shall be appointed, and his name and address declared in writing to the returning officer, who shall forthwith give public notice of the same.

Nomination of  
deputy  
election  
agent as  
sub-agent.

XXV. (1.) In the case of the elections specified in that behalf in the First Schedule to this Act an election agent of a candidate may appoint the number of deputies therein mentioned (which deputies are in this Act referred to as sub-agents), to act within different polling districts.

(2.) As regards matters in a polling district the election agent may act by the sub-agent for that district, and anything done for the purposes of this Act by or to the sub-agent in his district shall be deemed to be done by or to the election agent, and any act or default of a sub-agent which, if he were the election agent, would be an illegal practice or other offence against this Act, shall be an illegal practice and offence against this Act committed by the sub-agent, and the sub-agent shall be liable to punishment accordingly; and the candidate shall suffer the like incapacity as if the said act or default had been the act or default of the election agent.

(3.) One clear day before the polling the election agent shall

declare in writing the name and address of every sub-agent to the returning officer, and the returning officer shall forthwith give public notice of the name and address of every sub-agent so declared.

(4.) The appointment of a sub-agent shall not be vacated by the election agent who appointed him ceasing to be election agent, but may be revoked by the election agent for the time being of the candidate, and in the event of such revocation or of the death of a sub-agent another sub-agent may be appointed, and his name and address shall be forthwith declared in writing to the returning officer, who shall forthwith give public notice of the same.

XXVI. (1.) An election agent at an election for a county or borough shall have within the county or borough, or within any county of a city or town adjoining thereto, and a sub-agent shall have within his district, or within any county of a city or town adjoining thereto, an office or place to which all claims, notices, writs, summons, and documents may be sent, and the address of such office or place shall be declared at the same time as the appointment of the said agent to the returning officer, and shall be stated in the public notice of the name of the agent.

(2.) Any claim, notice, writ, summons, or document delivered at such office or place and addressed to the election agent or sub-agent, as the case may be, shall be deemed to have been served on him, and every such agent may in respect of any matter connected with the election in which he is acting be sued in any court having jurisdiction in the county or borough in which the said office or place is situate.

XXVII. (1.) The election agent of a candidate by himself or by his sub-agent shall appoint every polling agent, clerk and messenger employed for payment on behalf of the candidate at an election, and hire every committee room hired on behalf of the candidate.

(2.) A contract whereby any expenses are incurred on account of or in respect of the conduct or management of an election shall not be enforceable against a candidate at such election unless made by the candidate himself or by his election agent, either by himself or by his sub-agent; provided that the inability under this section to enforce such contract against the candidate shall not relieve the candidate from the consequences of any corrupt or illegal practice having been committed by his agent.

XXVIII. (1.) Except as permitted by or in pursuance of this Act, no payment and no advance or deposit shall be made by a candidate at an election or by any agent on behalf of the candidate or by any other person at any time, whether before, during, or after such election, in respect of any expenses incurred on account of or in respect of the conduct or management of such election, otherwise than by or through the election agent of the candidate, whether acting in person or by a sub-agent; and all money provided by any person other than the candidate for any

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expenses incurred on account of or in respect of the conduct or management of the election, whether as gift, loan, advance, or deposit, shall be paid to the candidate or his election agent and not otherwise ;

Provided that this section shall not be deemed to apply to a tender of security to or any payment by the returning officer or to any sum disbursed by any person out of his own money for any small expense legally incurred by himself, if such sum is not repaid to him.

(2.) A person who makes any payment, advance, or deposit in contravention of this section, or pays in contravention of this section any money so provided as aforesaid, shall be guilty of an illegal practice.

Period for  
sending in  
claims and  
making  
payments  
for election  
expenses.

XXIX. (1.) Every payment made by an election agent, whether by himself or a sub-agent, in respect of any expenses incurred on account of or in respect of the conduct or management of an election, shall, except where less than forty shillings, be vouched for by a bill stating the particulars and by a receipt.

(2.) Every claim against a candidate at an election or his election agent in respect of any expenses incurred on account of or in respect of the conduct or management of such election which is not sent in to the election agent within the time limited by this Act shall be barred and shall not be paid ; and, subject to such exception as may be allowed in pursuance of this Act, an election agent who pays a claim in contravention of this enactment shall be guilty of an illegal practice.

(3.) Except as by this Act permitted, the time limited by this Act for sending in claims shall be fourteen days after the day on which the candidates returned are declared elected.

(4.) All expenses incurred by or on behalf of a candidate at an election, which are incurred on account of, or in respect of the conduct or management of such election, shall be paid within the time limited by this Act and not otherwise ; and, subject to such exception as may be allowed in pursuance of this Act, an election agent who makes a payment in contravention of this provision shall be guilty of an illegal practice.

(5.) Except as by this Act permitted, the time limited by this Act for the payment of such expenses as aforesaid shall be twenty-eight days after the day on which the candidates returned are declared elected.

(6.) Where the election court reports that it has been proved to such court by a candidate, that any payment made by an election agent in contravention of this section was made without the sanction or connivance of such candidate, the election of such candidate shall not be void, nor shall he be subject to any incapacity under this Act by reason only of such payment having been made in contravention of this section.

(7.) If the election agent in the case of any claim sent in to him within the time limited by this Act disputes it, or refuses or

fails to pay it within the said period of twenty-eight days, such claim shall be deemed to be a disputed claim.

(8.) The claimant may, if he thinks fit, bring an action for a disputed claim in any competent court; and any sum paid by the candidate or his agent in pursuance of the judgment or order of such court shall be deemed to be paid within the time limited by this Act, and to be an exception from the provisions of this Act, requiring claims to be paid by the election agent.

(9.) On cause shown to the satisfaction of the High Court, such court on application by the claimant or by the candidate or his election agent may, by order, give leave for the payment by a candidate or his election agent of a disputed claim, or of a claim for any such expenses as aforesaid, although sent in after the time in this section mentioned for sending in claims, or although the same was sent in to the candidate and not to the election agent.

(10.) Any sum specified in the order of leave may be paid by the candidate or his election agent, and when paid in pursuance of such leave shall be deemed to be paid within the time limited by this Act.

XXX. If any action is brought in any competent court to recover a disputed claim against a candidate at an election, or his election agent, in respect of any expenses incurred on account or in respect of the conduct or management of such election, and the defendant admits his liability, but disputes the amount of the claim, the said amount shall, unless the court, on the application of the plaintiff in the action, otherwise directs, be forthwith referred for taxation to the master, official referee, registrar, or other proper officer of the court, and the amount found due on such taxation shall be the amount to be recovered in such action in respect of such claim.

Reference to  
taxation of  
claim against  
candidates.

XXXI. (1.) The candidate at an election may pay any personal expenses incurred by him on account of or in connection with or incidental to such election to an amount not exceeding one hundred pounds, but any further personal expenses so incurred by him shall be paid by his election agent.

Personal expenses of candidate and petty expenses.

(2.) The candidate shall send to the election agent within the time limited by this Act for sending in claims a written statement of the amount of personal expenses paid as aforesaid by such candidate.

(3.) Any person may, if so authorised in writing by the election agent of the candidate, pay any necessary expenses for stationery, postage, telegrams, and other petty expenses, to a total amount not exceeding that named in the authority, but any excess above the total amount so named shall be paid by the election agent.

(4.) A statement of the particulars of payments made by any person so authorised shall be sent to the election agent within the time limited by this Act for the sending in of claims, and shall be vouched for by a bill containing the receipt of that person.

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Remuneration  
of election agent  
and returning  
officer's expen-  
ses.

XXXII. (1.) So far as circumstances admit, this Act shall apply to a claim for his remuneration by an election agent and to the payment thereof in like manner as if he were any other creditor, and if any difference arises respecting the amount of such claim the claim shall be a disputed claim within the meaning of this Act, and be dealt with accordingly.

88 & 89 Vict.  
c. 84.

(2.) The account of the charges claimed by the returning officer in the case of a candidate and transmitted in pursuance of section four of the Parliamentary Elections (Returning Officers) Act, 1875, shall be transmitted within the time specified in the said section to the election agent of the candidate, and need not be transmitted to the candidate.

Return and  
declaration re-  
specting election  
expenses.

XXXIII. (1.) Within thirty-five days after the day on which the candidates returned at an election are declared elected, the election agent of every candidate at that election shall transmit to the returning officer a true return (in this Act referred to as a return respecting election expenses), in the form set forth in the Second Schedule to this Act or to the like effect, containing, as respects that candidate,—

- (a) A statement of all payments made by the election agent, together with all the bills and receipts (which bills and receipts are in this Act included in the expression "return respecting election expenses");
- (b) A statement of the amount of personal expenses, if any, paid by the candidate;
- (c) A statement of the sums paid to the returning officer for his charges, or, if the amount is in dispute, of the sum claimed and the amount disputed;
- (d) A statement of all other disputed claims of which the election agent is aware;
- (e) A statement of all the unpaid claims, if any, of which the election agent is aware, in respect of which application has been or is about to be made to the High Court;
- (f) A statement of all money, securities, and equivalent of money received by the election agent from the candidate or any other person for the purpose of expenses incurred or to be incurred on account of or in respect of the conduct or management of the election, with a statement of the name of every person from whom the same may have been received.

(2.) The return so transmitted to the returning officer shall be accompanied by a declaration made by the election agent before a justice of the peace in the form in the Second Schedule to this Act (which declaration is in this Act referred to as a declaration respecting election expenses).

(3.) Where the candidate has named himself as his election agent, a statement of all money, securities, and equivalent of money paid by the candidate shall be substituted in the return

required by this section to be transmitted by the election agent for the like statement of money, securities, and equivalent of money received by the election agent from the candidate; and the declaration by an election agent respecting election expenses need not be made, and the declaration by the candidate respecting election expenses shall be modified as specified in the Second Schedule to this Act.

(4.) At the same time that the agent transmits the said return, or within seven days afterwards, the candidate shall transmit or cause to be transmitted to the returning officer a declaration made by him before a justice of the peace, in the form in the first part of the Second Schedule to this Act (which declaration is in this Act referred to as a declaration respecting election expenses).

(5.) If in the case of an election for any county or borough the said return and declarations are not transmitted before the expiration of the time limited for the purpose, the candidate shall not, after the expiration of such time, sit or vote in the House of Commons as member for that county or borough until either such return and declarations have been transmitted, or until the date of the allowance of such an authorised excuse for the failure to transmit the same, as in this Act mentioned; and if he sits or votes in contravention of this enactment, he shall forfeit one hundred pounds for every day on which he so sits or votes to any person who sues for the same.

(6.) If without such authorised excuse as in this Act mentioned a candidate or an election agent fails to comply with the requirements of this section, he shall be guilty of an illegal practice.

(7.) If any candidate or election agent knowingly makes the declaration required by this section falsely, he shall be guilty of an offence, and on conviction thereof on indictment shall be liable to the punishment for wilful and corrupt perjury; such offence shall also be deemed to be a corrupt practice within the meaning of this Act.

(8.) Where the candidate is out of the United Kingdom at the time when the return is so transmitted to the returning officer, the declaration required by this section may be made by him within fourteen days after his return to the United Kingdom, and in that case shall be forthwith transmitted to the returning officer, but the delay hereby authorised in making such declaration shall not exonerate the election agent from complying with the provisions of this Act as to the return and declaration respecting election expenses.

(9.) Where, after the date at which the return respecting election expenses is transmitted, leave is given by the High Court for any claims to be paid, the candidate or his election agent shall, within seven days after the payment thereof, transmit to the returning officer a return of the sums paid in pursuance of such leave, accompanied by a copy of the order of the court giving the leave, and

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in default he shall be deemed to have failed to comply with the requirements of this section without such authorised excuse as in this Act mentioned.

Authorised  
excuse for non-  
compliance with  
provisions as to  
return and decla-  
ration respecting  
election ex-  
penses.

XXXIV. (1.) Where the return and declarations respecting election expenses of a candidate at an election for a county or borough have not been transmitted as required by this Act, or, being transmitted, contain some error or false statement, then—

(a.) If the candidate applies to the High Court or an election court and shows that the failure to transmit such return and declarations, or any of them, or any part thereof, or any error or false statement therein, has arisen by reason of his illness, or of the absence, death, illness, or misconduct of his election agent or sub-agent or of any clerk or officer of such agent, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant, or

(b.) If the election agent of the candidate applies to the High Court or an election court and shows that the failure to transmit the return and declarations which he was required to transmit, or any part thereof, or any error or false statement therein, arose by reason of his illness or of the death or illness of any prior election agent of the candidate, or of the absence, death, illness, or misconduct of any sub-agent, clerk, or officer of an election agent of the candidate, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant,

the court may, after such notice of the application in the said county or borough, and on production of such evidence, of the grounds stated in the application, and of the good faith of the application, and otherwise, as to the court seems fit, make such order for allowing an authorised excuse for the failure to transmit such return and declaration, or for an error or false statement in such return and declaration, as to the court seems just.

(2.) Where it appears to the court that any person being or having been election agent or sub-agent has refused or failed to make such return or to supply such particulars as will enable the candidate and his election agent respectively to comply with the provisions of this Act as to the return and declaration respecting election expenses, the court before making an order allowing the excuse as in this section mentioned shall order such person to attend before the court, and on his attendance shall, unless he shows cause to the contrary, order him to make the return and declaration, or to deliver a statement of the particulars required to be contained in the return, as to the court seem just, and to make or deliver the same within such time and to such person and in such manner as the court may direct, or may order him to be examined with respect to such particulars, and may in default

of compliance with any such order order him to pay a fine not exceeding five hundred pounds.

(3.) The order may make the allowance conditional upon the making of the return and declaration in a modified form or within an extended time, and upon the compliance with such other terms as to the court seem best calculated for carrying into effect the objects of this Act; and an order allowing an authorised excuse shall relieve the applicant for the order from any liability or consequences under this Act in respect of the matter excused by the order; and where it is proved by the candidate to the court that any act or omission of the election agent in relation to the return and declaration respecting election expenses was without the sanction or connivance of the candidate, and that the candidate took all reasonable means for preventing such act or omission, the court shall relieve the candidate from the consequences of such act or omission on the part of his election agent.

(4.) The date of the order, or if conditions and terms are to be complied with, the date at which the applicant fully complies with them, is referred to in this Act as the date of the allowance of the excuse.

XXXV. (1.) The returning officer at an election within ten days after he receives from the election agent of a candidate a return respecting election expenses shall publish a summary of the return in not less than two newspapers circulating in the county or borough for which the election was held, accompanied by a notice of the time and place at which the return and declarations (including the accompanying documents) can be inspected, and may charge the candidate in respect of such publication, and the amount of such charge shall be the sum allowed by the Parliamentary Elections (Returning Officers) Act, 1875.

Publication of  
summary of  
return of  
election  
expenses.

38 & 39 Vict.  
c. 84.

(2.) The return and declarations (including the accompanying documents) sent to the returning officer by an election agent shall be kept at the office of the returning officer, or some convenient place appointed by him, and shall at all reasonable times during two years next after they are received by the returning officer be open to inspection by any person on payment of a fee of one shilling, and the returning officer shall on demand furnish copies thereof or any part thereof at the price of twopence for every seventy-two words. After the expiration of the said two years the returning officer may cause the said return and declarations (including the accompanying documents), to be destroyed, or, if the candidate or his election agent so require, shall return the same to the candidate.

#### *Disqualification of Electors.*

XXXVI. Every person guilty of a corrupt or illegal practice or of illegal employment, payment, or hiring at an election is

Prohibition of  
persons guilty  
of corrupt or



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illegal practices,  
&c., from  
voting.

Prohibition of  
disqualified  
persons from  
voting.

35 & 36 Vict.  
c. 60.

45 & 46 Vict.  
c. 50.

Hearing of  
person before he  
is reported  
guilty of corrupt  
or illegal  
practice, and  
incapacity of  
person reported  
guilty.

prohibited from voting at such election, and if any such person votes his vote shall be void.

XXXVII. Every person who, in consequence of conviction or of the report of any election court or election commissioners under this Act, or under the Corrupt Practices (Municipal Elections) Act, 1872, or under Part IV. of the Municipal Corporations Act, 1882, or under any other Act for the time being in force relating to corrupt practices at an election for any public office, has become incapable of voting at any election, whether a parliamentary election or an election to any public office, is prohibited from voting at any such election, and his vote shall be void.

XXXVIII. (1.) Before a person, not being a party to an election petition nor a candidate on behalf of whom the seat is claimed by an election petition, is reported by an election court, and before any person is reported by election commissioners, to have been guilty, at an election, of any corrupt or illegal practice, the court or commissioners, as the case may be, shall cause notice to be given to such person, and if he appears in pursuance of the notice, shall give him an opportunity of being heard by himself and of calling evidence in his defence to show why he should not be so reported.

(2.) Every person reported by election commissioners to have been guilty at an election of any corrupt or illegal practice may appeal against such report to the next court of oyer and terminer or goal delivery held in and for the county or place in which the offence is alleged to have been committed, and such court may hear and determine the appeal; and subject to rules of court such appeal may be brought, heard, and determined in like manner as if the court were a court of quarter sessions and the said commissioners were a court of summary jurisdiction, and the person so reported had been convicted by a court of summary jurisdiction for an offence under this Act, and notice of every such appeal shall be given to the Director of Public Prosecutions in the manner and within the time directed by rules of court, and subject to such rules then within three days after the appeal is brought.

(3.) Where it appears to the Lord Chancellor that appeals under this section are interfering or are likely to interfere with the ordinary business transacted before any courts of oyer and terminer or goal delivery, he may direct that the said appeals, or any of them, shall be heard by the judges for the time being on the rota for election petitions, and in such case one of such judges shall proceed to the county or place in which the offences are alleged to have been committed, and shall there hear and determine the appeals in like manner as if such judge were a court of oyer and terminer.

(4.) The provisions of the Parliamentary Elections Act, 1868, with respect to the reception and powers of and attendance on an election court, and to the expenses of an election court, and of

receiving and accommodating an election court, shall apply as if such judge were an election court.

(5.) Every person who after the commencement of this Act is reported by any election court or election commissioners to have been guilty of any corrupt or illegal practice at an election, shall, whether he obtained a certificate of indemnity or not, be subject to the same incapacity as he would be subject to if he had at the date of such election been convicted of the offence of which he is reported to have been guilty: Provided that a report of any election commissioners inquiring into an election for a county or borough shall not avoid the election of any candidate who has been declared by an election court on the trial of a petition respecting such election to have been duly elected at such election or render him incapable of sitting in the House of Commons for the said county or borough during the Parliament for which he was elected.

(6.) Where a person who is a justice of the peace is reported by any election court or election commissioners to have been guilty of any corrupt practice in reference to an election, whether he has obtained a certificate of indemnity or not, it shall be the duty of the Director of public prosecutions to report the case to the Lord High Chancellor of Great Britain with such evidence as may have been given of such corrupt practice, and where any such person acts as a justice of the peace by virtue of his being, or having been, mayor of a borough, the Lord High Chancellor shall have the same power to remove such person from being a justice of the peace as if he was named in a commission of the peace.

(7.) Where a person who is a barrister or a solicitor, or who belongs to any profession the admission to which is regulated by law, is reported by any election court or election commissioners to have been guilty of any corrupt practice in reference to an election, whether such person has obtained a certificate of indemnity or not, it shall be the duty of the Director of public prosecutions to bring the matter before the Inn of Court, High Court, or tribunal having power to take cognisance of any misconduct of such person in his profession, and such Inn of Court, High Court, or tribunal may deal with such person in like manner as if such corrupt practice were misconduct by such person in his profession.

(8.) With respect to a person holding a license or certificate under the Licensing Acts (in this section referred to as a licensed person) the following provisions shall have effect:

(a.) If it appears to the court by which any licensed person is convicted of the offence of bribery or treating that such offence was committed on his licensed premises, the court shall direct such conviction to be entered in the proper register of licenses.

(b.) If it appears to an election court or election commissioners that a licensed person has knowingly suffered any bribery or

treating in reference to any election to take place upon his licensed premises, such court or commissioners (subject to the provisions of this Act as to a person having an opportunity of being heard by himself and producing evidence before being reported) shall report the same; and whether such person obtained a certificate of indemnity or not it shall be the duty of the Director of public prosecutions to bring such report before the licensing justice from whom or on whose certificate the licensed person obtained his license, and such licensing justices shall cause such report to be entered in the proper register of licenses.

(c.) Where an entry is made in the register of licenses of any such conviction of or report respecting any licensed person as above in this section mentioned, it shall be taken into consideration by the licensing justices in determining whether they will or will not grant to such person the renewal of his license or certificate, and may be a ground, if the justices think fit, for refusing such renewal.

(9.) Where the evidence showing any corrupt practice to have been committed by a justice of the peace, barrister, solicitor, or other professional person, or any licensed person, was given before election commissioners, those commissioners shall report the case to the Director of public prosecutions, with such information as is necessary or proper for enabling him to act under this section.

(10.) This section shall apply to an election court under this Act, or under Part IV. of the Municipal Corporations Act, 1882, and the expression election shall be construed accordingly.

List in register  
of voters of  
persons incapacitated  
for voting  
by corrupt or  
illegal practices.

XXXIX. (1.) The registration officer in every county and borough shall annually make out a list containing the names and descriptions of all persons who, though otherwise qualified to vote at a parliamentary election for such county or borough respectively, are not capable of voting by reason of having after the commencement of this Act been found guilty of a corrupt or illegal practice on conviction or by the report of any election court or election commissioners whether under this Act, or under Part IV. of the Municipal Corporations Act, 1882, or under any other Act for the time being in force relating to a parliamentary election or an election to any public office; and such officer shall state in the list (in this Act referred to as the corrupt and illegal practices list), the offence of which each person has been found guilty.

45 & 46 Vict  
c. 50

(2.) For the purpose of making out such list he shall examine the report of any election court or election commissioners who have respectively tried an election petition or inquired into an election where the election (whether a parliamentary election or an election to any public office) was held in any of the following places; that is to say,

(a.) If he is the registration officer of a county, in that county, or in any borough in that county; and

(b.) If he is the registration officer of a borough, in the county in which such borough is situate, or in any borough in that county.

(3.) The registration officer shall send the list to the overseers of every parish within his county or borough, together with his precept, and the overseers shall publish the list together with the list of voters, and shall also, in the case of every person in the corrupt and illegal practices list, omit his name from the list of persons entitled to vote, or, as circumstances require, add 'objected' before his name in the list of claimants or copy of the register published by them, in like manner as is required by law in any other cases of disqualification.

(4.) Any person named in the corrupt and illegal practices list may claim to have his name omitted therefrom, and any person entitled to object to any list of voters for the county or borough may object to the omission of the name of any person from such list. Such claims and objections shall be sent in within the same time and be dealt with in like manner, and any such objection shall be served on the person referred to therein in like manner, as nearly as circumstances admit, as other claims and objections under the enactments relating to the registration of parliamentary electors.

(5.) The revising barrister shall determine such claims and objections and shall revise such list in like manner as nearly as circumstances admit as in the case of other claims and objections, and of any list of voters.

(6.) Where it appears to the revising barrister that a person not named in the corrupt and illegal practices list is subject to have his name inserted in such list, he shall (whether an objection to the omission of such name from the list has or has not been made, but) after giving such person an opportunity of making a statement to show cause to the contrary, insert his name in such list, and expunge his name from any list of voters.

(7.) A revising barrister in acting under this section shall determine only whether a person is incapacitated by conviction or by the report of any election court or election commissioners, and shall not determine whether a person has or has not been guilty of any corrupt or illegal practice.

(8.) The corrupt and illegal practices list shall be appended to the register of electors, and shall be printed and published therewith wherever the same is printed or published.

#### *Proceedings on Election Petition.*

XL. (1.) Where an election petition questions the return or the election upon an allegation of an illegal practice, then notwithstanding anything in the Parliamentary Elections Act, 1868, such petition, so far as respects such illegal practice, may be presented within the time following; (that is to say),

Time for presentation of election petitions alleging illegal practice.  
81 & 82 Vict.  
c. 125.

(a.) At any time before the expiration of fourteen days after the day on which the returning officer receives the return and declarations respecting election expenses by the member to whose election the petition relates and his election agent.

(b.) If the election petition specifically alleges a payment of money, or some other act to have been made or done since the said day by the member or an agent of the member, or with the privity of the member or his election agent in pursuance or in furtherance of the illegal practice alleged in the petition, the petition may be presented at any time within twenty-eight days after the date of such payment or other act.

31 & 32 Vict.  
c. 125.

(2.) Any election petition presented within the time limited by the Parliamentary Elections Act, 1868, may for the purpose of questioning the return or the election upon an allegation of an illegal practice, be amended with the leave of the High Court, within the time within which a petition questioning the return upon the allegation of that illegal practice can under this section be presented.

(3.) This section shall apply in the case of an offence relating to the return and declarations respecting election expenses in like manner as if it were an illegal practice, and also shall apply notwithstanding that the act constituting the alleged illegal practice amounted to a corrupt practice.

(4.) For the purposes of this section—

(a.) where the return and declarations are received on different days, the day on which the last of them is received, and

(b.) where there is an authorised excuse for failing to make and transmit the return and declarations respecting election expenses, the date of the allowance of the excuse, or if there was a failure as regards two or more of them, and the excuse was allowed at different times, the date of the allowance of the last excuse,

shall be substituted for the day on which the return and declarations are received by the returning officer.

(5.) For the purposes of this section, time shall be reckoned in like manner as it is reckoned for the purposes of the Parliamentary Elections Act, 1868.

Withdrawal of  
election petition.

XLI. (1.) Before leave for the withdrawal of an election petition is granted, there shall be produced affidavits by all the parties to the petition and their solicitors, and by the election agents of all of the said parties who were candidates at the election, but the High Court may on cause shown dispense with the affidavit of any particular person if it seems to the court on special grounds to be just so to do.

(2.) Each affidavit shall state that, to the best of the deponent's knowledge and belief, no agreement or terms of any kind whatsoever has or have been made, and no undertaking has been entered into, in relation to the withdrawal of the petition; but if any

lawful agreement has been made with respect to the withdrawal of the petition, the affidavit shall set forth that agreement, and shall make the foregoing statement subject to what appears from the affidavit.

(3.) The affidavits of the applicant and his solicitor shall further state the ground on which the petition is sought to be withdrawn.

(4.) If any person makes any agreement or terms, or enters into any undertaking, in relation to the withdrawal of an election petition, and such agreement, terms, or undertaking, is or are for the withdrawal of the election petition in consideration of any payment, or in consideration that the seat shall at any time be vacated, or in consideration of the withdrawal of any other election petition, or is or are (whether lawful or unlawful) not mentioned in the aforesaid affidavits, he shall be guilty of a misdemeanor, and shall be liable on conviction on indictment to imprisonment for a term not exceeding twelve months, and to a fine not exceeding two hundred pounds.

(5.) Copies of the said affidavits shall be delivered to the Director of public prosecutions a reasonable time before the application for the withdrawal is heard, and the court may hear the Director of public prosecutions or his assistant or other representative (appointed with the approval of the Attorney-General), in opposition to the allowance of the withdrawal of the petition, and shall have power to receive the evidence on oath of any person or persons whose evidence the Director of public prosecutions or his assistant, or other representative, may consider material.

(6.) Where in the opinion of the court the proposed withdrawal of a petition was the result of any agreement, terms or undertaking prohibited by this section, the court shall have the same power with respect to the security as under section thirty-five of the Parliamentary Elections Act, 1868, where the withdrawal is induced by a corrupt consideration. <sup>31 & 32 Vict. c. 125.</sup>

(7.) In every case of the withdrawal of an election petition the court shall report to the Speaker whether, in the opinion of such court, the withdrawal of such petition was the result of any agreement, terms, or undertaking, or was in consideration of any payment, or in consideration that the seat should at any time be vacated, or in consideration of the withdrawal of any other election petition, or for any other consideration, and if so, shall state the circumstances attending the withdrawal.

(8.) Where more than one solicitor is concerned for the petitioner or respondent, whether as agent for another solicitor or otherwise, the affidavit shall be made by all such solicitors.

(9.) Where a person not a solicitor is lawfully acting as agent in the case of an election petition, that agent shall be deemed to be a solicitor for the purpose of making an affidavit in pursuance of this section.

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Continuation of  
trial of election  
petition.

XLII. The trial of every election petition so far as is practicable consistently with the interests of justice in respect of such trial, shall be continued *de die in diem* on every lawful day until its conclusion, and in case the rota of judges for the year shall expire before the conclusion of the trial, or of all the proceedings in relation or incidental to the petition, the authority of the said judges shall continue for the purpose of the said trial and proceedings.

Attendance of  
Director of  
public pro-  
secutions  
on trial of  
election  
petition,  
and prose-  
cution by  
him of  
offenders.

XLIII. (1.) On every trial of an election petition the Director of public prosecutions shall by himself or by his assistant, or by such representative as hereinafter mentioned, attend at the trial, and it shall be the duty of such Director to obey any directions given to him by the election court with respect to the summoning and examination of any witness to give evidence on such trial, and with respect to the prosecution by him of offenders, and with respect to any person to whom notice is given to attend with a view to report him as guilty of any corrupt or illegal practice.

(2.) It shall also be the duty of such Director, without any direction from the election court, if it appears to him that any person is able to give material evidence as to the subject of the trial, to cause such person to attend the trial, and with the leave of the court to examine such person as a witness.

(3.) It shall also be the duty of the said Director, without any direction from the election court, if it appears to him that any person who has not received a certificate of indemnity has been guilty of a corrupt or illegal practice, to prosecute such person for the offence before the said court, or if he thinks it expedient in the interests of justice before any other competent court.

(4.) Where a person is prosecuted before an election court for any corrupt or illegal practice, and such person appears before the court, the court shall proceed to try him summarily for the said offence, and such person, if convicted thereof upon such trial, shall be subject to the same incapacities as he is rendered subject to under this Act upon conviction, whether on indictment or in any other proceeding for the said offence; and further, may be adjudged by the court, if the offence is a corrupt practice, to be imprisoned, with or without hard labour, for a term not exceeding six months, or to pay a fine not exceeding two hundred pounds, and if the offence is an illegal practice, to pay such fine as is fixed by this Act for the offence;

Provided that, in the case of a corrupt practice, the court, before proceeding to try summarily any person, shall give such person the option of being tried by a jury.

(5.) Where a person is so prosecuted for any such offence, and either he elects to be tried by a jury or he does not appear before the court, or the court thinks it in the interests of justice expedient that he should be tried before some other court, the court, if of opinion that the evidence is sufficient to put the said person upon his trial for the offence, shall order such person to be

prosecuted on indictment or before a court of summary jurisdiction, as the case may require, for the said offence; and in either case may order him to be prosecuted before such court as may be named in the order; and for all purposes preliminary and of and incidental to such prosecution the offence shall be deemed to have been committed within the jurisdiction of the court so named.

(6.) Upon such order being made,

(a) If the accused person is present before the court, and the offence is an indictable offence, the court shall commit him to take his trial, or cause him to give bail to appear and take his trial for the said offence; and

(b) If the accused person is present before the court, and the offence is not an indictable offence, the court shall order him to be brought before the court of summary jurisdiction before whom he is to be prosecuted, or cause him to give bail to appear before that court; and

(c) If the accused person is not present before the court, the court shall as circumstances require issue a summons for his attendance, or a warrant to apprehend him and bring him, before a court of summary jurisdiction, and that court, if the offence is an indictable offence, shall, on proof only of the summons or warrant and the identity of the accused, commit him to take his trial, or cause him to give bail to appear and take his trial for the said offence, or if the offence is punishable on summary conviction, shall proceed to hear the case, or if such court be not the court before whom he is directed to be prosecuted, shall order him to be brought before that court.

(7.) The Director of public prosecutions may nominate, with the approval of the Attorney-General, a barrister or solicitor of not less than ten years' standing to be his representative for the purpose of this section, and that representative shall receive such remuneration as the Commissioners of Her Majesty's Treasury may approve. There shall be allowed to the Director and his assistant or representative, for the purposes of this section, such allowance for expenses as the Commissioners of Her Majesty's Treasury may approve.

(8.) The costs incurred in defraying the expenses of the Director of public prosecution under this section (including the remuneration of his representative) shall, in the first instance, be paid by the Commissioners of Her Majesty's Treasury, and so far as they are not in the case of any prosecution paid by the defendant shall be deemed to be expenses of the election court; but if for any reasonable cause it seems just to the court so to do, the court shall order all or part of the said costs to be repaid to the Commissioners of Her Majesty's Treasury by the parties to the petition, or such of them as the court may direct.

XLIV. (1.) Where, upon the trial of an election petition respecting an election for a county or borough, it appears to the

Power to election court to order payment



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by county or  
borough or  
individual of  
costs of election  
petition.

election court that a corrupt practice has not been proved to have been committed in reference to such election by or with the knowledge and consent of the respondent to the petition, and that such respondent took all reasonable means to prevent corrupt practices being committed on his behalf, the court may make one or more orders with respect to the payment either of the whole or such part of the costs of the petition as the court may think right as follows :

(a.) If it appears to the court that corrupt practices extensively prevailed in reference to the said election, the court may order the whole or part of the costs to be paid by the county or borough ; and

(b.) If it appears to the court that any person or persons is or are proved, whether by providing money or otherwise, to have been extensively engaged in corrupt practices, or to have encouraged or promoted extensive corrupt practices in reference to such election, the court may, after giving such person or persons an opportunity of being heard by counsel or solicitor and examining and cross-examining witnesses to show cause why the order should not be made, order the whole or part of the costs to be paid by that person, or those persons or any of them, and may order that if the costs cannot be recovered from one or more of such persons they shall be paid by some other of such persons or by either of the parties to the petition.

(2.) Where any person appears to the court to have been guilty of the offence of a corrupt or illegal practice, the court may, after giving such person an opportunity of making a statement to show why the order should not be made, order the whole or any part of the costs of or incidental to any proceeding before the court in relation to the said offence or to the said person to be paid by the said person.

(3.) The rules and regulations of the Supreme Court of Judicature with respect to costs to be allowed in actions, causes, and matters in the High Court shall in principle and so far as practicable apply to the costs of petition and other proceedings under the Parliamentary Elections Act, 1868, and under this Act, and the taxing officer shall not allow any costs, charges, or expenses on a higher scale than would be allowed in any action, cause, or matter in the High Court on the higher scale, as between solicitor and client.

*Miscellaneous.*

Inquiry by  
Director of  
public prosecu-  
tions into alleged  
corrupt or illegal  
practices.

XLV. Where information is given to the Director of public prosecutions that any corrupt or illegal practices have prevailed in reference to any election, it shall be his duty, subject to the regulations under the Prosecution of Offences Act, 1879, to make such inquiries and institute such prosecutions as the circumstances of the case appear to him to require.

XLVI. Where a person has, either before or after the commencement of this Act, become subject to any incapacity under the Corrupt Practices Prevention Acts or this Act by reason of a conviction or of a report of any election court or election commissioners, and any witness who gave evidence against such incapacitated person upon the proceeding for such conviction or report is convicted of perjury in respect of that evidence, the incapacitated person may apply to the High Court, and the Court, if satisfied that the conviction or report so far as respects such person was based upon perjury, may order that such incapacity shall thenceforth cease, and the same shall cease accordingly.

Removal of incapacity on proof that it was procured by perjury.

XLVII. (1.) Every county shall be divided into polling districts, and a polling place shall be assigned to each district in such manner that, so far as is reasonably practicable, every elector resident in the county shall have his polling place within a distance not exceeding three miles from his residence, so nevertheless that a polling district need not in any case be constituted containing less than one hundred electors.

Amendment of law as to polling districts and polling places.

(2.) In every county the local authority who have power to divide that county into polling districts shall from time to time divide the county into polling districts, and assign polling places to those districts, and alter those districts and polling places in such manner as may be necessary for the purpose of carrying into effect this section.

(3.) The power of dividing a borough into polling districts vested in a local authority by the Representation of the People Act, 1867, and the enactments amending the same, may be exercised by such local authority from time to time, and as often as the authority think fit, and the said power shall be deemed to include the power of altering any polling district, and the said local authority shall from time to time, where necessary for the purpose of carrying this section into effect, divide the borough into polling districts in such manner that—

(a.) Every elector resident in the borough, if other than one hereinafter mentioned, shall be enabled to poll within a distance not exceeding one mile from his residence, so nevertheless that a polling district need not be constituted containing less than three hundred electors; and

(b.) Every elector resident in the boroughs of East Retford, Shoreham, Cricklade, Much Wenlock, and Aylesbury, shall be enabled to poll within a distance not exceeding three miles from his residence, so nevertheless that a polling district need not be constituted containing less than one hundred electors.

(4.) So much of section five of the Ballot Act, 1872, and the enactments amending the same as in force and is not repealed by this Act, shall apply as if the same were incorporated in this section.

(5.) The expenses incurred by the local authority of a county or borough under this or any other Act in dividing their county

or borough into polling districts, and, in the case of a county, assigning polling places to such districts, and in altering any such districts or polling places, shall be defrayed in like manner as if they were expenses incurred by the registration officer in the execution of the enactments respecting the registration of electors in such county or borough, and those enactments, so far as is consistent with the tenor thereof, shall apply accordingly.

Conveyance of voters by sea in certain cases.

XLVIII. Where the nature of a county is such that any electors residing therein are unable at any election for such county to reach their polling place without crossing the sea or a branch or arm thereof, this Act shall not prevent the provision of means for conveying such electors by sea to their polling place, and the amount of payment for such means of conveyance may be in addition to the maximum amount of expenses allowed by this Act.

Election commissioners not to inquire into elections before the passing of this Act.

XLIX. Notwithstanding the provisions of the Act 15 & 16 Vict. cap. 57, or any amendment thereof, in any case where, after the passing of this Act, any commissioners have been appointed on a joint address of both Houses of Parliament, for the purpose of making inquiry into the existence of corrupt practices in any election, the said commissioners shall not make inquiries concerning any election that shall have taken place prior to the passing of this Act, and no witness called before such commissioners, or at any election petition after the passing of this Act, shall be liable to be asked or bound to answer any question for the purpose of proving the commission of any corrupt practice at or in relation to any election prior to the passing of this Act: Provided that nothing herein contained shall affect any proceedings that shall be pending at the time of such passing.

*Legal Proceedings.*

Trial in Central Criminal Court of indictment for corrupt practice at instance of Attorney-General.

L. Where an indictment as defined by this Act for any offence under the Corrupt Practices Prevention Acts or this Act is instituted in the High Court or is removed into the High Court by a writ of certiorari issued at the instance of the Attorney-General, and the Attorney-General suggests on the part of the Crown that it is expedient for the purpose of justice that the indictment should be tried in the Central Criminal Court, or if a special jury is ordered, that it should be tried before a judge and jury at the Royal Courts of Justice, the High Court may, if it think fit, order that such indictment shall be so tried upon such terms as the Court may think just, and the High Court may make such orders as appear to the Court necessary or proper for carrying into effect the order for such trial.

Limitation of time for prosecution of offence.

LI. (1.) A proceeding against a person in respect of the offence of a corrupt or illegal practice, or any other offence under the Corrupt Practices Prevention Acts or this Act, shall be commenced within one year after the offence was committed, or if it was committed in reference to an election with respect to which

an inquiry is held by election commissioners, shall be commenced within one year after the offence was committed, or within three months after the report of such commissioners is made, whichever period last expires, so that it be commenced within two years after the offence was committed; and the time so limited by this section shall, in the case of any proceeding under the Summary Jurisdiction Acts for any such offence, whether before an election court or otherwise, be substituted for any limitation of time contained in the last-mentioned Acts.

(2.) For the purposes of this section, the issue of a summons, warrant, writ, or other process shall be deemed to be a commencement of a proceeding, where the service or execution of the same on or against the alleged offender is prevented by the absconding, or concealment, or act of the alleged offender, but save as aforesaid the service or execution of the same on or against the alleged offender, and not the issue thereof, shall be deemed to be the commencement of the proceeding.

LII. Any person charged with a corrupt practice may, if the circumstances warrant such finding, be found guilty of an illegal practice (which offence shall for that purpose be an indictable offence), and any person charged with an illegal practice may be found guilty of that offence, notwithstanding that the act constituting the offence amounted to a corrupt practice, and a person charged with illegal payment, employment, or hiring may be found guilty of that offence notwithstanding that the act constituting the offence amounted to a corrupt or illegal practice.

Persons charged with corrupt practice may be found guilty of illegal practice.

LIII. (1.) Sections ten, twelve, and thirteen of the Corrupt Practices Prevention Act, 1854, and section six of the Corrupt Practices Prevention Act, 1863 (which relate to prosecutions for bribery and other offences under those Acts), shall extend to any prosecution or indictment for the offence of any corrupt practice within the meaning of this Act, and to any action for any pecuniary forfeiture for an offence under this Act, in like manner as if such offence were bribery within the meaning of those Acts, and such indictment or action were the indictment or action in those sections mentioned, and an order under the said section ten may be made on the defendant; but the Director of public prosecutions, or any person instituting any prosecution in his behalf, or by direction of an election court, shall not be deemed to be a private prosecutor, nor required under the said sections to give any security.

Application of enactments of 17 & 18 Vict. c. 102, and 26 & 27 Vict. c. 29, relating to prosecutions for bribery. 17 & 18 Vict. c. 102. 26 & 27 Vict. c. 29.

(2.) On any prosecution under this Act, whether on indictment or summarily, and whether before an election court or otherwise, and in any action for a pecuniary forfeiture under this Act, the person prosecuted or sued, and the husband or wife of such person, may, if he or she think fit, be examined as an ordinary witness in the case.

(3.) On any such prosecution or action as aforesaid, it shall be sufficient to allege that the person charged was guilty of an illegal

practice, payment, employment, or hiring within the meaning of this Act, as the case may be, and the certificate of the returning officer at an election that the election mentioned in the certificate was duly held, and that the person named in the certificate was a candidate at such election, shall be sufficient evidence of the facts therein stated.

Prosecution on summary conviction, and appeal to quarter sessions.

LIV. (1.) All offences under this Act punishable on summary conviction may be prosecuted in manner provided by the Summary Jurisdiction Acts.

(2.) A person aggrieved by a conviction by a court of summary jurisdiction for an offence under this Act may appeal to general or quarter sessions against such conviction.

Application of Summary Jurisdiction and Indictable Offences Acts to proceedings before election courts.

LV. (1.) Except that nothing in this Act shall authorise any appeal against a summary conviction by an election court, the Summary Jurisdiction Acts shall, so far as is consistent with the tenor thereof, apply to the prosecution of an offence summarily before an election court, in like manner as if it were an offence punishable only on summary conviction, and accordingly the attendance of any person may be enforced, the case heard and determined, and any summary conviction by such court be carried into effect and enforced, and the costs thereof paid, and the record thereof dealt with under those Acts in like manner as if the court were a petty sessional court for the county or place in which such conviction took place.

(2.) The enactments relating to charges before justices against persons for indictable offences shall, so far as is consistent with the tenor thereof, apply to every case where an election court orders a person to be prosecuted on indictment, in like manner as if the court were a justice of the peace.

Exercise of jurisdiction of High Court and making of rules of Court.

LVI. (1.) Subject to any rules of court, any jurisdiction vested by this Act in the High Court may so far as it relates to indictments or other criminal proceedings, be exercised by any judge of the Queen's Bench Division, and in other respects may either be exercised by one of the judges for the time being on the rota for the trial of election petitions, sitting either in court or at chambers, or may be exercised by a master of the Supreme Court of Judicature in manner directed by and subject to an appeal to the said judges:

Provided that a master shall not exercise jurisdiction in the case either of an order declaring any act or omission to be an exception from the provisions of this Act with respect to illegal practices, payments, employments, or hirings, or of an order allowing an excuse in relation to a return or declaration respecting election expenses.

(2.) Rules of court may from time to time be made, revoked, and altered for the purposes of this Act, and of the Parliamentary Elections Act, 1868, and the Acts amending the same, by the same authority by whom rules of court for procedure and practice in the Supreme Court of Judicature can for the time being be made.

LVII. (1.) The Director of public prosecutions in performing any duty under this Act shall act in accordance with the regulations under the Prosecution of Offences Act, 1879, and subject thereto in accordance with the directions (if any) given to him by the Attorney-General; and any assistant or representative of the Director of public prosecutions in performing any duty under this Act shall act in accordance with the said regulations and directions, if any, and with the directions given to him by the Director of public prosecutions.

Director  
of public  
prosecutions,  
and expenses of  
prosecutions.  
42 & 43 Vict.  
c. 22.

(2.) Subject to the provisions of this Act, the cost of any prosecution on indictment for an offence punishable under this Act, whether by the Director of public prosecutions or his representative or by any other person, shall, so far as they are not paid by the defendant, be paid in like manner as costs in the case of a prosecution for felony are paid.

LVIII. (1.) Where any costs or other sums (not being costs of a prosecution on indictment) are, under an order of an election court, or otherwise under this Act, to be paid by a county or borough, the Commissioners of Her Majesty's Treasury shall pay those costs or sums, and obtain repayment of the amount so paid, in like manner as if such costs and sums were expenses of election commissioners paid by them, and the Election Commissioners Expenses Acts, 1869, and 1871, shall apply accordingly as if they were herein re-enacted and in terms made applicable to the above-mentioned costs and sums.

Recovery of  
costs payable by  
county or  
borough or by  
person.

32 & 33 Vict.  
c. 21. 34 & 35  
Vict. c. 61.

(2.) Where any costs or other sums are, under the order of an election court or otherwise under this Act, to be paid by any person, those costs shall be a simple contract debt due from such person to the person or persons to whom they are to be paid, and if payable to the Commissioners of Her Majesty's Treasury shall be a debt to Her Majesty, and in either case may be recovered accordingly.

*Supplemental Provisions, Definitions, Savings, and Repeal.*

LIX. (1.) A person who is called as a witness respecting an election before any election court shall not be excused from answering any question relating to any offence at or connected with such election, on the ground that the answer thereto may criminate or tend to criminate himself or on the ground of privilege,

Obligation of  
witness to  
answer, and  
certificate of  
indemnity.

Provided that—

(a.) A witness who answers truly all questions which he is required by the election court to answer shall be entitled to receive a certificate of indemnity under the hand of a member of the court stating that such witness has so answered :  
and

(b.) An answer by a person to a question put by or before any election court shall not, except in the case of any criminal

proceeding for perjury in respect of such evidence, be in any proceeding, civil or criminal, admissible in evidence against him :

(2.) Where a person has received such a certificate of indemnity in relation to an election, and any legal proceeding is at any time instituted against him for any offence under the Corrupt Practices Prevention Acts or this Act committed by him previously to the date of the certificate at or in relation to the said election, the court having cognisance of the case shall on proof of the certificate stay the proceeding, and may in their discretion award to the said person such costs as he may have been put to in the proceeding.

(3.) Nothing in this section shall be taken to relieve a person receiving a certificate of indemnity from any incapacity under this Act, or from any proceeding to enforce such incapacity (other than a criminal prosecution).

(4.) This section shall apply in the case of a witness before any election commissioners, in like manner as if the expression "election court" in this section included election commissioners.

(5.) Where a solicitor or person lawfully acting as agent for any party to an election petition respecting any election for a county or borough has not taken any part or been concerned in such election, the election commissioners inquiring into such election shall not be entitled to examine such solicitor or agent respecting matters which came to his knowledge by reason only of his being concerned as solicitor or agent for a party to such petition.

Submission  
of report of  
election court or  
commissioners  
to Attorney-  
General.

LX. An election court or election commissioners, when reporting that certain persons have been guilty of any corrupt or illegal practice, shall report whether those persons have or have not been furnished with certificates of indemnity ; and such report shall be laid before the Attorney-General (accompanied in the case of the commissioners with the evidence on which such report was based) with a view to his instituting or directing a prosecution against such persons as have not received certificates of indemnity, if the evidence should, in his opinion, be sufficient to support a prosecution.

Breach of duty  
by officer.

35 & 36 Vict.  
c. 83.

6 Vict. c. 18.

LXI. (1.) Section eleven of the Ballot Act, 1872, shall apply to a returning officer or presiding officer or clerk who is guilty of any wilful misfeasance or wilful act or omission in contravention of this Act in like manner as if the same were in contravention of the Ballot Act, 1872.

(2.) Section ninety-seven of the Parliamentary Registration Act, 1843, shall apply to every registration officer who is guilty of any wilful misfeasance or wilful act of commission or omission contrary to this Act in like manner as if the same were contrary to the Parliamentary Registration Act, 1843.

Publication  
and service  
of notices.

LXII. (1.) Any public notice required to be given by the returning officer under this Act shall be given in the manner in

which he is directed by the Ballot Act, 1872, to give a public notice. 35 & 36 Vict. c. 88.

(2.) Where any summons, notice, or document is required to be served on any person with reference to any proceeding respecting an election for a county or borough, whether for the purpose of causing him to appear before the High Court or any election court, or election commissioners, or otherwise, or for the purpose of giving him an opportunity of making a statement, or showing cause, or being heard by himself, before any court or commissioners, for any purpose of this Act, such summons, notice, or document may be served either by delivering the same to such person, or by leaving the same at, or sending the same by post by a registered letter to, his last known place of abode in the said county or borough, or if the proceeding is before any court or commissioners, in such other manner as the court or commissioners may direct, and in proving such service by post it shall be sufficient to prove that the letter was prepaid, properly addressed, and registered with the post-office.

(3.) In the form of notice of a parliamentary election set forth in the Second Schedule to the Ballot Act, 1872, the words "or any illegal practice" shall be inserted after the words "or other corrupt practices," and the words the "Corrupt and Illegal Practices Prevention Act, 1883," shall be inserted after the words "Corrupt Practices Prevention Act, 1854."

LXIII. (1.) In the Corrupt Practices Prevention Act, as amended by this Act, the expression "candidate at an election" and the expression "candidate" respectively mean, unless the context otherwise requires, any person elected to serve in Parliament at such election, and any person who is nominated as a candidate at such election, or is declared by himself or by others to be a candidate, on or after the day of the issue of the writ for such election, or after the dissolution or vacancy in consequence of which such writ has been issued; Definition of candidate, and saving for persons nominated without consent.

(2.) Provided that where a person has been nominated as a candidate or declared to be a candidate by others, then—

- (a.) If he was so nominated or declared without his consent, nothing in this Act shall be construed to impose any liability on such person, unless he has afterwards given his assent to such nomination or declaration or has been elected; and
- (b.) If he was so nominated or declared, either without his consent or in his absence and he takes no part in the election, he may, if he thinks fit, make the declaration respecting election expenses contained in the second part of the Second Schedule to this Act, and the election agent shall, so far as circumstances admit, comply with the provisions of this Act with respect to expenses incurred on account of or in respect of the conduct or management of the election in like manner as if the candidate had been nominated or declared with his consent.



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General  
interpretation  
of terms.

LXIV. In this Act, unless the context otherwise requires—  
The expression “election” means the election of a member or members to serve in Parliament :

31 & 32 Vict.  
c. 125.

The expression “election petition” means a petition presented in pursuance of the Parliamentary Elections Act, 1868, as amended by this Act :

The expression “election court” means the judges presiding at the trial of an election petition, or, if the matter comes before the High Court, that Court :

15 & 16 Vict.  
c. 57.

The expression “Election Commissioners” means commissioners appointed in pursuance of the Election Commissioners Act, 1852, and the enactments amending the same :

The expression “High Court” means Her Majesty’s High Court of Justice in England :

42 & 43 Vict.  
c. 49.

The expressions “court of summary jurisdiction,” “petty sessional court,” and “Summary Jurisdiction Acts” have the same meaning as in the Summary Jurisdiction Act, 1879 :

The expression “the Attorney-General” includes the Solicitor-General in cases where the office of the Attorney-General is vacant, or the Attorney-General is interested or otherwise unable to act :

The expression “registration officer” means the clerk of the peace in a county, and the town-clerk in a borough, as respectively defined by the enactments relating to the registration of parliamentary electors :

The expression “elector” means any person whose name is for the time being on the register roll or book containing the names of the persons entitled to vote at the election with reference to which the expression is used :

The expression “register of electors” means the said register roll or book :

The expression “polling agent” means an agent of the candidate appointed to attend at a polling station in pursuance of the Ballot Act, 1872, or of the Acts therein referred to or amending the same :

35 & 36 Vict.  
c. 33.

The expression “person” includes an association or body of persons, corporate or unincorporate, and where any act is done by any such association or body, the members of such association or body who have taken part in the commission of such act shall be liable to any fine or punishment imposed for the same by this Act :

The expression “committee room” shall not include any house or room occupied by a candidate at an election as a dwelling, by reason only of the candidate there transacting business with his agents in relation to such election ; nor shall any room or building be deemed to be a committee-room for the purposes of this Act by reason only of the candidate or any agent of the candidate addressing therein electors, committee-men, or others :

The expression "public office" means any office under the Crown or under the charter of a city or municipal borough or under the Acts relating to Municipal Corporations or to the Poor Law, or under the Elementary Education Act, <sup>33 & 34 Vict. c. 75.</sup> 1870, or under the Public Health Act, 1875, or under any Acts amending the above-mentioned Acts, or under any <sup>33 & 39 Vict. c. 55.</sup> other Acts for the time being in force (whether passed before or after the commencement of this Act) relating to local government, whether the office is that of mayor, chairman, alderman, councillor, guardian, member of a board, commission, or other local authority in any county, city, borough, union, sanitary district, or other area, or is the office of clerk of the peace, town clerk, clerk or other officer under a council, board, commission, or other authority, or is any other office, to which a person is elected or appointed under any such charter or Act as above mentioned, and includes any other municipal or parochial office; and the expressions "election," "election petition," "election court," and "register of electors," shall, where expressed to refer to an election for any such public office, be construed accordingly:

The expression "judicial office" includes the office of justice of the peace and revising barrister:

The expression "personal expenses" as used with respect to the expenditure of any candidate in relation to any election includes the reasonable travelling expenses of such candidate, and the reasonable expenses of his living at hotels or elsewhere for the purposes of and in relation to such election:

The expression "indictment" includes information:

The expression "costs" includes costs, charges, and expenses:

The expression "payment" includes any pecuniary or other reward; and the expressions "pecuniary reward" and "money" shall be deemed to include any office, place, or employment, and any valuable security or other equivalent for money, and any valuable consideration, and expressions referring to money shall be construed accordingly:

The expression "Licensing Acts" means the Licensing Acts, 1872 to 1874:

Other expressions have the same meaning as in the Corrupt Practices Prevention Acts.

LXV. (1.) The enactments described in the Third Schedule to <sup>Short titles.</sup> this Act are in this Act referred to as the Corrupt Practices Prevention Acts.

(2.) The Acts mentioned in the Fourth Schedule to this Act are in this Act referred to and may be cited respectively by the short titles in that behalf in that schedule mentioned.

(3.) This Act may be cited as the Corrupt and Illegal Practices Prevention Act, 1883.

(4.) This Act and the Corrupt Practices Prevention Acts may be cited together as the Corrupt Practices Prevention Acts, 1854 to 1883.

1      CORRUPT PRACTICES PREVENTION ACT, 1883. [APPENDIX.

**Repeal of Acts.**      LXVI. The Acts set forth in the Fifth Schedule to this Act are hereby repealed as from the commencement of this Act to the extent in the third column of that schedule mentioned, provided that this repeal or the expiration of any enactment not continued by this Act shall not revive any enactment which at the commencement of this Act is repealed, and shall not affect anything duly done or suffered before the commencement of this Act, or any right acquired or accrued or any incapacity incurred before the commencement of this Act, and any person subject to any incapacity under any enactment hereby repealed or not continued shall continue subject thereto, and this Act shall apply to him as if he had become so subject in pursuance of the provisions of this Act.

**Commencement of Act.**      LXVII. This Act shall come into operation on the fifteenth day of October one thousand eight hundred and eighty-three, which day is in this Act referred to as the commencement of this Act.

*Application of Act to Scotland.*

**Application of Act to Scotland.**      LXVIII. This Act shall apply to Scotland, with the following modifications:

(1.) The following expressions shall mean as follows:

The expression "misdemeanour" shall mean crime and offence:

The expression "indictment" shall include criminal letters:

The expression "solicitor" shall mean enrolled law agent:

The expression "revising barrister" shall mean sheriff:

The expression "barrister" shall mean advocate:

The expression "petty sessional court" shall mean sheriff court:

The expression "quarter sessions" shall mean the Court of Justiciary:

The expression "registration officer" shall mean an assessor under the enactments relating to the registration of parliamentary voters:

The expression "municipal borough" shall include royal burgh and burgh of regality and burgh of barony:

The expression "Acts relating to municipal corporations" shall include the General Police and Improvement (Scotland) Act, 1862, and any other Act relating to the constitution and government of burghs in Scotland:

The expression "mayor" shall mean provost or chief magistrate:

The expression "alderman" shall mean bailie:

The expression "Summary Jurisdiction Acts" shall mean the Summary Jurisdiction (Scotland) Acts 1864 and 1881 and any Acts amending the same.

(2.) The provisions of this Act with respect to polling districts and the expenses of dividing a county or burgh into polling districts shall not apply to Scotland.

(3.) The provisions respecting the attendance at the trial of an

election petition of a representative of the Director of public prosecutions shall not apply to Scotland, and in place thereof the following provisions shall have effect :

- (a.) At the trial of every election petition in Scotland Her Majesty's advocate shall be represented by one of his deputies or by the procurator-fiscal of the sheriff-court of the district, who shall attend such trial as part of his official duty, and shall give all necessary assistance to the judge with respect to the citation of witnesses and recovery of documents :
- (b.) If the judge shall grant a warrant for the apprehension, commitment, or citation of any person suspected of being guilty of a corrupt or illegal practice, the case shall be reported to Her Majesty's advocate in order that such person may be brought to trial before the High Court of Justiciary or the sheriff, according to the nature of the case.
- (c.) It shall be the duty of the advocate depute or, in his absence, the procurator-fiscal, if it appears to him that a corrupt or illegal practice within the meaning of this Act has been committed by any person who has not received a certificate of indemnity, to report the case to Her Majesty's advocate in order to such person being brought to trial before the proper court, although no warrant may have been issued by the judge.
- (4.) The jurisdiction of the High Court of Justice under this Act shall, in Scotland, be exercised by one of the Divisions of the Court of Session, or by a judge of the said court to whom the same may be remitted by such division, and subject to an appeal thereto, and the Court of Session shall have power to make Acts of sederunt for the purposes of this Act.
- (5.) Court of Oyer and Terminer shall mean a circuit court of Justiciary, and the High Court of Justiciary shall have powers to make acts of adjournal regulating the procedure in appeals to the circuit court under this Act.
- (6.) All offences under this Act punishable on summary conviction may be prosecuted in the sheriff court in manner provided by the Summary Jurisdiction Acts, and all necessary jurisdictions are hereby conferred on sheriffs.
- (7.) The authority given by this Act to the Director of public prosecutions in England shall in Scotland be exercised by Her Majesty's advocate, and the reference to the Prosecution of Offences Act, 1879, shall not apply.
- (8.) The expression "Licensing Acts" shall mean "the Public Houses Acts Amendment (Scotland) Act, 1862," and "The Publicans' Certificates (Scotland) Act, 1876," and the Acts thereby amended and therein recited. 25 & 26 Vict.  
c. 35.  
39 & 40 Vict.  
c. 26.
- (9.) The expression "register of licences" shall mean the register kept in pursuance of section twelve of the Act of the ninth year of the reign of King George the Fourth, chapter fifty-eight.

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(10.) The references to the Public Health Act, 1875, and to the Elementary Education Act, 1870, shall be construed to refer to the Public Health (Scotland) Act, 1867, and to the Elementary Education (Scotland) Act, 1872.

(11.) Any reference to the Parliamentary Elections Returning Officers Act, 1875, shall not apply.

(12.) The provision with respect to the registration officer sending the corrupt and illegal practices list to overseers and the dealing with such list by overseers shall not apply, and in lieu thereof it is hereby enacted that the assessor shall in counties include the names of such persons in the list of persons who have become disqualified, and in boroughs shall omit the names of such persons from the list of persons entitled to vote.

(13.) The power given by this Act to the Lord Chancellor in England shall in Scotland except so far as relates to the justices of the peace be exercised by the Lord Justice General.

(14.) Any reference to the Attorney-General shall refer to the Lord Advocate.

(15.) The provisions with respect to the removal of cases to the Central Criminal Court or to the trial of cases at the Royal Courts of Justice shall not apply.

24 & 25 Vict.  
c. 85.

(16.) Section thirty-eight of the County Voters Registration (Scotland) Act, 1861, shall be substituted for section ninety-seven of the Parliamentary Registration Act, 1843, where reference is made to that section in this Act.

(17.) The provision of this Act with regard to costs shall not apply to Scotland, and instead thereof the following provision shall have effect:

The costs of petitions and other proceedings under "The Parliamentary Election Act, 1868," and under this Act, shall, subject to any regulations which the Court of Session may make by act of sederunt, be taxed as nearly as possible according to the same principles as costs between agent and client are taxed in a cause in that court, and the auditor shall not allow any costs, charges, or expenses on a higher scale.

*Application of Act to Ireland.*

Application of  
Act to Ireland.

LXIX. This Act shall apply to Ireland, with the following modifications:

45 & 46 Vict.  
c. 25.

(1.) No person shall be tried for any offence against this Act under any of the provisions of the "Prevention of Crime (Ireland) Act, 1882."

14 & 15 Vict.  
c. 93.

(2.) The expression "Summary Jurisdiction Acts" means, with reference to the Dublin Metropolitan Police District, the Acts regulating the powers and duties of justices of the peace and of the police in such district; and with reference to other parts of Ireland means the Petty Sessions (Ireland) Act, 1851, and any Acts amending the said Act.

- (3.) Section one hundred and three of the Act of the session of the thirteenth and fourteenth years of the reign of Her present Majesty, chapter sixty-nine, shall be substituted for section ninety-seven of the Parliamentary Registration Act, 1843, where reference is made to that section in this Act.
- (4.) The provision with respect to the registration officer sending the corrupt and illegal practices list to overseers and the dealing with such list by overseers shall not apply, and in lieu thereof it is hereby enacted that the registration officer shall, after making out such list, himself publish the same in the manner in which he publishes the lists referred to in the twenty-first and thirty-third sections of the Act of the session of the thirteenth and fourteenth years of the reign of Her present Majesty, chapter sixty-nine; and shall also in the case of every person in the corrupt and illegal practices list enter "objected to" against his name in the register and lists made out by such registration officer in like manner as he is by law required to do in other cases of disqualification.
- (5.) The Supreme Court of Judicature in Ireland shall be substituted for the Supreme Court of Judicature.
- (6.) The High Court of Justice in Ireland shall be substituted for the High Court of Justice in England.
- (7.) The Lord High Chancellor of Ireland shall be substituted for the Lord High Chancellor of Great Britain.
- (8.) The Attorney-General for Ireland shall be substituted for the Director of Public Prosecutions, and the reference to the prosecution of the Offences Act, 1879, shall not apply.
- (9.) The provisions of this Act relative to polling districts shall not apply to Ireland, but in the county of the town of Galway there shall be a polling station at Barna, and at such other places within the parliamentary borough of Galway as the town commissioners may appoint.
- (10.) Any reference to Part IV. of the Municipal Corporations Act, 1882, shall be construed to refer to the Corrupt Practices (Municipal Elections) Act, 1872.
- (11.) Any reference to the Licensing Acts shall be construed to refer to the Licensing Acts (Ireland), 1872-1874.
- (12.) The Public Health (Ireland) Act, 1878, shall be substituted for the Public Health (Ireland) Act, 1875. 41 & 42 Vict.  
c. 52.
- (13.) The provisions with respect to the removal of cases to the Central Criminal Court, or to the trial of cases at the Royal Courts of Justice, shall not apply to Ireland.

*Continuance.*

LXX. This Act shall continue in force until the thirty-first day of December, one thousand eight hundred and eighty-four, and no longer, unless continued by Parliament; and such of the Corrupt

Practices Prevention Acts as are referred to in Part One of the Third Schedule to this Act shall continue in force until the same day, and no longer, unless continued by Parliament.<sup>1</sup>

## SCHEDULES.

### FIRST SCHEDULE.

#### PART I.

##### PERSONS LEGALLY EMPLOYED FOR PAYMENT.

- (1.) One election agent and no more.
- (2.) In counties one deputy election agent (in this Act referred to as a sub-agent) to act within each polling district and no more.
- (3.) One polling agent in each polling station and no more.
- (4.) In a borough one clerk and one messenger, or if the number of electors in the borough exceeds five hundred, a number of clerks and messengers not exceeding in number one clerk and one messenger for every complete five hundred electors in the borough, and if there is a number of electors over and above any complete five hundred or complete five hundreds of electors, then one clerk and one messenger may be employed for such number, although not amounting to a complete five hundred.
- (5.) In a county for the central committee room one clerk and one messenger, or if the number of electors in the county exceeds five thousand, then a number of clerks and messengers not exceeding in number one clerk and one messenger for every complete five thousand electors in the county; and if there is a number of electors over and above any complete five thousand or complete five thousands of electors, then one clerk and one messenger may be employed for such number, although not amounting to a complete five thousand.
- (6.) In a county a number of clerks and messengers not exceeding in number one clerk and one messenger for each polling district in the county, or where the number of electors in a polling district exceeds five hundred, one clerk and one messenger for every complete five hundred electors in the polling district, and if there is a number of electors over and above any complete five hundred or complete five hundreds of electors, then one clerk and one messenger may be employed for such number, although not amounting to a complete five hundred: Provided always, that the number of clerks and messengers so allowed in any county may be employed in any polling district where their services may be required.
- (7.) Any such paid election agent, sub-agent, polling agent, clerk, and messenger may or may not be an elector but may not vote.

<sup>1</sup> Continued by the Expiring Laws Continuance Act.

(8.) In the case of the boroughs of East Retford, Shoreham, Cricklade, Much Wenlock, and Aylesbury, the provisions of this part of this schedule shall apply as if such borough were a county.

## PART II.

### LEGAL EXPENSES IN ADDITION TO EXPENSES UNDER PART I.

(1.) Sums paid to the returning officer for his charges not exceeding the amount authorised by the Act 38 & 39 Vict. c. 84.

(2.) The personal expenses of the candidate.

(3.) The expenses of printing, the expenses of advertising, and the expenses of publishing, issuing, and distributing addresses and notices.

(4.) The expenses of stationery, messages, postage, and telegrams.

(5.) The expenses of holding public meetings.

(6.) In a borough the expenses of one committee room and if the number of electors in the borough exceeds five hundred then of a number of committee rooms not exceeding the number of one committee room for every complete five hundred electors in the borough, and if there is a number of electors over and above any complete five hundred or complete five hundreds of electors, then of one committee room for such number, although not amounting to a complete five hundred.

(7.) In a county the expenses of a central committee room, and in addition of a number of committee rooms not exceeding in number one committee room for each polling district in the county, and where the number of electors in a polling district exceeds five hundred one additional committee room may be hired for every complete five hundred electors in such polling district over and above the first five hundred.

## PART III.

### *Maximum for Miscellaneous Matters.*

Expenses in respect of miscellaneous matters other than those mentioned in Part I. and Part II. of this schedule not exceeding in the whole the maximum amount of two hundred pounds, so nevertheless that such expenses are not incurred in respect of any matter or in any manner constituting an offence under this or any other Act, or in respect of any matter or thing, payment for which is expressly prohibited by this or any other Act.



#### PART IV.

##### *Maximum Scale.*

(1.) In a borough the expenses mentioned above in Parts I., II., and III. of this schedule, other than personal expenses and sums paid to the returning officer for his charges, shall not exceed in the whole the maximum amount in the scale following:—

If the number of electors on the register—	The maximum amount shall be—
Does not exceed 2000 . .	£350.
Exceeds 2000 . . .	£380, and an additional £30 for every complete 1000 electors above 2000.

Provided that in Ireland if the number of electors on the register—	The maximum amount shall be—
Does not exceed 500 . .	£200.
Exceeds 500, but does not exceed 1000 . . .	£250.
Exceeds 1000, but does not exceed 1500 . . .	£275.

(2.) In a county the expenses mentioned above in Parts I., II., and III. of this schedule, other than personal expenses and sums paid to the returning officer for his charges, shall not exceed in the whole the maximum amount in the scale following:—

If the number of electors on the register—	The maximum amount shall be—
Does not exceed 2000 . .	£650 in England and Scot- land, and £500 in Ireland.
Exceeds 2000 . . .	£710 in England and Scot- land, and £540 in Ireland; and an additional £60 in England and Scotland, and £40 in Ireland for every complete 1000 electors above 2000.

#### PART V.

##### *General.*

(1.) In the case of the boroughs of East Retford, Shoreham, Cricklade, Much Wenlock, and Aylesbury, the provisions of Parts II., III., and IV. of this schedule shall apply as if such borough were a county.

(2.) For the purposes of this schedule the number of electors shall be taken according to the enumeration of the electors in the register of electors.

(3.) Where there are two or more joint candidates at an election the maximum amount of expenses mentioned in Parts III. and IV. of this schedule shall, for each of such joint candidates, be reduced by one-fourth, or if there are more than two joint candidates by one-third.

(4.) Where the same election agent is appointed by or on behalf of two or more candidates at an election, or where two or more candidates, by themselves or any agent or agents, hire or use the same committee rooms for such election, or employ or use the services of the same sub-agents, clerks, messengers, or polling agents at such election, or publish a joint address or joint circular or notice at such election, those candidates shall be deemed for the purposes of this enactment to be joint candidates at such election.

Provided that—

(a.) The employment and use of the same committee room, sub-agent, clerk, messenger, or polling agent, if accidental or casual, or of a trivial and unimportant character, shall not be deemed of itself to constitute persons joint candidates.

(b.) Nothing in this enactment shall prevent candidates from ceasing to be joint candidates.

(c.) Where any excess of expenses above the maximum allowed for one of two or more joint candidates has arisen owing to his having ceased to be a joint candidate, or to his having become a joint candidate after having begun to conduct his election as a separate candidate, and such ceasing or beginning was in good faith, and such excess is not more than under the circumstances is reasonable, and the total expenses of such candidate do not exceed the maximum amount allowed for a separate candidate, such excess shall be deemed to have arisen from a reasonable cause, within the meaning of the enactments respecting the allowance by the High Court or election court of an exception from the provisions of this Act which would otherwise make an act an illegal practice, and the candidate and his election agent may be relieved accordingly from the consequences of having incurred such excess of expenses.

SECOND SCHEDULE.

PART I.

FORM OF DECLARATIONS AS TO EXPENSES.

*Form for Candidate.*

I, \_\_\_\_\_, having been a candidate at the election for the county [or borough] of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, do hereby solemnly and sincerely declare that I have examined the return of election expenses [about to be] transmitted by my election agent [or if the candidate is his own election agent "by me"] to the returning officer at the said election, a copy of which is now shown to me and marked \_\_\_\_\_, and to the best of my knowledge and belief that return is correct;

And I further solemnly and sincerely declare that, except as appears from that return, I have not, and to the best of my knowledge and belief no person, nor any club, society, or association has, on my behalf, made any payment, or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election;

And I further solemnly and sincerely declare that I have paid to my election agent [if the candidate is also his own election agent, leave out "to my election agent"] the sum of \_\_\_\_\_ pounds and no more for the purpose of the said election, and that, except as specified in the said return, no money, security, or equivalent for money has to my knowledge or belief been paid, advanced, given, or deposited by any one to or in the hands of my election agent [or if the candidate is his own election agent, "myself"] or any other person for the purpose of defraying any expenses incurred on my behalf on account of or in respect of the conduct or management of the said election;

And I further solemnly and sincerely declare that I will not, except so far as I may be permitted by law, at any future time make or be party to the making or giving of, any payment, reward, office, employment, or valuable consideration for the purpose of defraying any such expenses as last mentioned, or provide or be party to the providing of any money, security, or equivalent for money for the purpose of defraying any such expenses.

*Signature of Declarant,*

*C.D.*

Signed and declared by the above-named declarant on the \_\_\_\_\_ day of \_\_\_\_\_, before me.

(Signed) *E.F.*,

Justice of the Peace for \_\_\_\_\_

*Form for Election Agent.*

I, \_\_\_\_\_, being election agent to \_\_\_\_\_, candidate at the election for the county [or borough] of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, do hereby solemnly and sincerely declare that I have examined the return of election expenses about to be transmitted by me to the returning officer at the said election, and now shown to me and marked \_\_\_\_\_, and to the best of my knowledge and belief that return is correct;

And I hereby further solemnly and sincerely declare that, except as appears from that return, I have not and to the best of my knowledge and belief no other person, nor any club, society, or association has on behalf of the said candidate made any payment, or given, promised, or offered any reward, office, employment or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election;

And I further solemnly and sincerely declare that I have received from the said candidate \_\_\_\_\_ pounds and no more [or nothing] for the purpose of the said election, and that, except as specified in the said return sent by me, no money, security, or equivalent for money has been paid, advanced, given, or deposited by any one to me or in my hands, or, to the best of my knowledge and belief, to or in the hands of any other person for the purpose of defraying any expenses incurred on behalf of the said candidate on account of, or in respect of the conduct or management of the said election.

*Signature of Declarant.**A.B.*

Signed and declared by the above-named declarant on the \_\_\_\_\_ day of \_\_\_\_\_ before me.

(Signed) *E.F.*,  
Justice of the Peace for \_\_\_\_\_

**FORM OF RETURN OF ELECTION EXPENSES.**

I, *A.B.*, being election agent to *C.D.*, candidate at the election for the county [or borough] of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, make the following return respecting election expenses of the said candidate at the said election [or where the candidate has named himself as election agent, 'I, *C.D.*, candidate at the said election for the county [or borough] of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, acting as my own election agent, make the following return respecting my election expenses at the said election'].

*Receipts.*

Received of [*the above-named candidate*] [*or where the candidate is his own election agent, 'Paid by me,'*] £  
 Received of J.K., . . . . . £  
 [*Here set out the name and description of every person, club, society, or association, whether the candidate or not, from whom any money, securities, or equivalent of money was received in respect of expenses incurred on account of or in connection with or incidental to the above election, and the amount received from each person, club, society, or association separately.*]

*Expenditure.*

Paid to E.F., the returning officer for the said county [*or borough*] for his charges at the said election, . . . . . £  
 Personal expenses of the said C.D. paid by himself [*or if the candidate is his own election agent, 'Paid by me as candidate',*] £  
     Do. do. paid by me [*or if the candidate is his own election agent, add, 'acting as election agent',*] £  
 Received by me for my services as election agent at the said election [*or if the candidate is his own election agent, leave out this item,*] £  
 Paid to G.H. as sub-agent of the polling district of £  
     [*The name and description of each sub-agent and the sum paid to him must be set out separately.*]  
 Paid to as polling agent, . . . . . £  
 Paid to as clerk for days' services, . . . . . £  
 Paid to as messenger, for days' services, £  
     [*The names and descriptions of every polling agent, clerk, and messenger, and the sum paid to each, must be set out separately either in the account or in a separate list annexed to and referred to in the account thus,—'Paid to polling agent (or as the case may be) as per annexed list, £ .'*]  
 Paid to the following persons in respect of goods supplied, or work and labour done:—  
     To P.Q. (printing), . . . . . £  
     To M.N. (advertising), . . . . . £  
     To R.S. (stationery), . . . . . £  
     [*The name and description of each person, and the nature of the goods supplied, or the work and labour done by each, must be set out separately either in the*

*account or in a separate list annexed to and referred to in the account.]*

Paid for postage, . . . . . £

Paid for telegrams, . . . . . £

Paid for the hire of rooms, as follows :—

For holding public meetings, . . . . . £

For committee rooms, . . . . . £

*[A room hired for a public meeting, or for a committee room must be named or described so as to identify it; and the name and description of every person to whom any payment was made for each such room, together with the amount paid, must be set out separately either in the account or in a separate list annexed to and referred to in the account.]*

Paid for miscellaneous matters, namely— . . . £

*[The name and description of each person to whom any sum is paid, and the reason for which it was paid to him, must be set out separately either in the account or in a separate list annexed to and referred to in the account.]*

In addition to the above, I am aware, as election agent for C.D. [or if the candidate is his own election agent, leave out 'as election agent for C.D.'] of the following disputed and unpaid claims; namely—  
Disputed claims.

By T.U., for . . . . . £

*[Here set out the name and description of each person whose claim is disputed, the amount of the claim, and the goods, work, or other matter on the ground of which the claim is based.]*

Unpaid claims allowed by the High Court to be paid after the proper time, or in respect of which application has been, or is about to be, made to the High Court.

By M.O., for . . . . . £

*[Here state the name and description of each person to whom any such claim is due, and the amount of the claim, and the goods, work, and labour or other matter on account of which the claim is due.]*

(Signed) A.B.

PART II.

FORM OF DECLARATION AS TO EXPENSES.

*Form for candidate where declared a candidate or nominated in his absence, and taking no part in the election.*

I, \_\_\_\_\_, having been nominated [or having been declared by others] in my absence [to be] a candidate at the election for the county or borough of \_\_\_\_\_, held on the \_\_\_\_\_ day of \_\_\_\_\_, do hereby solemnly and sincerely declare that I have taken no part whatever in the said election.

And I further solemnly and sincerely declare that [or with the exception of \_\_\_\_\_] I have not, and no person, club, society, or association at my expense has, made any payment, or given, promised, or offered, any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election.

And I further solemnly and sincerely declare that [or with the exception of \_\_\_\_\_] I have not paid any money, or given any security or equivalent for money, to the person acting as my election agent at the said election, or to any other person, club, society, or association on account of or in respect of the conduct or management of the said election; and that [or with the exception of \_\_\_\_\_] I am entirely ignorant of any money, security, or equivalent for money, having been paid, advanced, given, or deposited by any one for the purpose of defraying any expenses incurred on account of or in respect of the conduct or management of the said election.

And I further solemnly and sincerely declare that I will not, except so far as I may be permitted by law, at any future time make or be party to the making or giving of any payment, reward, office, employment, or valuable consideration for the purpose of defraying any such expenses as last mentioned, or provide or be party to the providing of any money, security, or equivalent of money for the purpose of defraying any such expenses.

*Signature of declarant*

*C.D.*

Signed and declared by the above-named declarant on the \_\_\_\_\_ day of \_\_\_\_\_, before me.

(Signed)

*E.F.,*

Justice of the Peace for \_\_\_\_\_

## THIRD SCHEDULE.

## CORRUPT PRACTICES PREVENTION ACTS.

Session and Chapter.	Title of Act.	Enactments referred to as being the Corrupt Practices Prevention Acts.
<b>PART ONE.</b>		
<i>Temporary.</i>		
17 & 18 Vict. c. 102.	The Corrupt Practices Prevention Act, 1854.	The whole Act so far as unrepealed.
26 & 27 Vict. c. 29.	An Act to amend and continue the law relating to corrupt practices at elections of members of Parliament.	The whole Act so far as unrepealed.
31 & 32 Vict. c. 125.	The Parliamentary Elections Act, 1868.	The whole Act so far as unrepealed.
35 & 36 Vict. c. 33.	The Ballot Act, 1872.	Part III. so far as unrepealed.
42 & 43 Vict. c. 75.	The Parliamentary Elections and Corrupt Practices Act, 1879.	The whole Act so far as unrepealed.

**PART TWO.***Permanent.*

30 & 31 Vict. c. 102.	The Representation of the People Act, 1867.	Sections eleven, forty-nine, and fifty.
31 & 32 Vict. c. 48.	The Representation of the People (Scotland) Act, 1868.	Sections eight and forty-nine.
31 & 32 Vict. c. 49.	The Representation of the People (Ireland) Act, 1868.	Sections eight and thirteen.
44 & 45 Vict. c. 40.	The Universities Elections Amendment (Scotland) Act, 1881.	Sub-section seven-teen of section two.

[PART THREE.



PART THREE.

ENACTMENTS DEFINING THE OFFENCES OF BRIBERY AND  
PERSONATION.

The Corrupt Practices Prevention Act, 1854, 17 & 18 Vict.  
c. 102, §§ 2, 3.

Bribery  
defined.

§ 2. The following persons shall be deemed guilty of bribery, and shall be punishable accordingly :—

- (1.) Every person who shall, directly or indirectly, by himself, or by any other person on his behalf, give, lend, or agree to give or lend, or shall offer, promise, or promise to procure or to endeavour to procure, any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce any voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid on account of such voter having voted or refrained from voting at any election :
- (2.) Every person who shall, directly or indirectly, by himself, or by any other person on his behalf, give or procure, or agree to give or procure, or offer, promise, or promise to procure or to endeavour to procure, any office, place, or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce such voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid on account of any voter having voted or refrained from voting at any election :
- (3.) Every person who shall, directly or indirectly, by himself, or by any other person on his behalf, make any such gift, loan, offer, promise, procurement, or agreement as aforesaid to or for any person, in order to induce such person to procure or endeavour to procure the return of any person to serve in Parliament, or the vote of any voter at any election :
- (4.) Every person who shall, upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procure or engage, promise, or endeavour to procure the return of any person to serve in Parliament, or the vote of any voter at any election :
- (5.) Every person who shall advance or pay, or cause to be paid, any money to or to the use of any other person with the intent that such money or any part thereof shall be expended in bribery at any election, or who shall knowingly pay or cause to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election. Provided always, that the aforesaid enactment shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of

any legal expenses *bona fide* incurred at or concerning any election.

§ 3. The following persons shall also be deemed guilty of Bribery further defined, and shall be punishable accordingly:—

- (1.) Every voter who shall, before or during any election, directly or indirectly, by himself or by any other person on his behalf, receive, agree, or contract for any money, gift, loan, or valuable consideration, office, place, or employment, for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election.
- (2.) Every person who shall, after any election, directly or indirectly, by himself or by any other person on his behalf, receive any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any election.

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The Representation of the People Act, 1867, 30 & 31 Vict. c. 102,  
§ 49.

Any person, either directly or indirectly, corruptly paying any rate on behalf of any ratepayer for the purpose of enabling him to be registered as a voter, thereby to influence his vote at any future election, and any candidate or other person, either directly or indirectly, paying any rate on behalf of any voter for the purpose of inducing him to vote or refrain from voting, shall be guilty of bribery, and be punishable accordingly; and any person on whose behalf and with whose privity any such payment as in this section is mentioned is made, shall also be guilty of bribery, and punishable accordingly.

Corrupt payment  
of rates to be  
punishable as  
bribery.

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The Representation of the People (Scotland) Act, 1868,  
31 & 32 Vict. c. 48, § 49.

Any person, either directly or indirectly, corruptly paying any rate on behalf of any ratepayer for the purpose of enabling him to be registered as a voter, thereby to influence his vote at any future election, and any candidate or other person, either directly or indirectly, paying any rate on behalf of any voter for the purpose of inducing him to vote or refrain from voting, shall be guilty of bribery, and be punishable accordingly; and any person on whose behalf and with whose privity any such payment as in this section mentioned is made shall also be guilty of bribery, and punishable accordingly.

Corrupt payment  
of rates to be  
punishable as  
bribery.

lxvi CORRUPT PRACTICES PREVENTION ACT, 1883. [APPENDIX.

The Universities Elections Amendment (Scotland) Act, 1881,  
44 & 45 Vict. c. 40, § 2.

Corrupt payment  
of registration  
fee to be punish-  
able as bribery.

17. Any person, either directly or indirectly, corruptly paying any fee for the purpose of enabling any person to be registered as a member of the general council, and thereby to influence his vote at any future election, and any candidate or other person, either directly or indirectly, paying such fee on behalf of any person for the purpose of inducing him to vote or to refrain from voting, shall be guilty of bribery, and shall be punishable accordingly; and any person on whose behalf and with whose privity any such payment as in this section mentioned is made, shall also be guilty of bribery, and punishable accordingly.

Personation  
defined.

The Ballot Act, 1872, 35 & 36 Vict. c. 33, § 24.

A person shall for all purposes of the laws relating to parliamentary and municipal elections be deemed to be guilty of the offence of personation who, at an election for a county or borough, or at a municipal election, applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead, or of a fictitious person, or who, having voted once at any such election, applies at the same election for a ballot paper in his own name.

FOURTH SCHEDULE.

SHORT TITLES.

Session and Chapter.	Long Title.	Short Title.
15 & 16 Vict. c. 57.	An Act to provide for more effectual inquiry into the existence of corrupt practices at the election of members to serve in Parliament.	Election Commis- sioners Act, 1852.
26 & 27 Vict. c. 29.	An Act to amend and continue the law relating to corrupt practices at elections of members of Parliament.	The Corrupt Prac- tices Prevention Act, 1863.

## FIFTH SCHEDULE.

## ENACTMENTS REPEALED.

NOTE.—Portions of Acts which have already been specifically repealed are in some instances included in the repeal in this Schedule in order to preclude henceforth the necessity of looking back to previous Acts.

A description or citation of a portion of an Act is inclusive of the words, section, or other part first or last mentioned, or otherwise referred to as forming the beginning or as forming the end of the portion comprised in the description or citation.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
60 Geo. III. & 1 Geo. IV. c. 11.	An Act for the better regulation of polls, and for making further provision touching the election of members to serve in Parliament for Ireland.	Section thirty-six.
1 & 2 Geo. IV. c. 58.	An Act to regulate the expenses of election of members to serve in Parliament for Ireland.	The whole Act, except section three.
4 Geo. IV. c. 55.	An Act to consolidate and amend the several Acts now in force so far as the same relate to the election and return of members to serve in Parliament for the counties of cities and counties of towns in Ireland.	Section eighty-two.
17 & 18 Vict. c. 102.	The Corrupt Practices Prevention Act, 1854.	Section one. Section two, from 'and any person 'so offending' to 'with full costs of 'suit.' Section three, from 'and any person 'so offending' to the end of the section. Section four. Section five. Section six.

lxviii CORRUPT PRACTICES PREVENTION ACT, 1883. [APPENDIX.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
17 & 18 Vict. c. 102.	The Corrupt Practices Prevention Act, 1854.	Section seven, from 'and all payments' to the end of the section. Section nine, section fourteen, section twenty-three, section thirty-six, section thirty-eight, from 'and' the words 'personal expenses' to the end of the section, and section thirty-nine, and Schedule A.
21 & 22 Vict. c. 87.	An Act to continue and amend the Corrupt Practices Prevention Act, 1854.	The whole Act.
26 & 27 Vict. c. 29.	An Act to amend and continue the law relating to corrupt practices at elections of members of Parliament.	The whole Act, except section six.
30 & 31 Vict. c. 102.	The Representation of the People Act, 1867.	Section thirty-four, from 'and in other' boroughs the justices' to 'greater part thereof is situate,' and section thirty-six.
31 & 32 Vict. c. 48.	The Representation of the People (Scotland) Act, 1868.	Section twenty-five.
31 & 32 Vict. c. 49.	The Representation of the People (Ireland) Act, 1868.	Section twelve.
31 & 32 Vict. c. 58.	The Parliamentary Electors Registration Act, 1868.	Section eighteen, from 'the power' of dividing their 'county' to the end of the section.
31 & 32 Vict. c. 125.	The Parliamentary Elections Act, 1868.	So much of section three as relates to the definitions of 'candidate.' Section sixteen. Section thirty-three.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
31 & 32 Vict. c. 125.	The Parliamentary Elections Act, 1868.	Section thirty-six. Section forty - one, from 'but according to the same principles' to 'the High Court of Chancery.' Section forty-three. Section forty-five. Section forty-six. Section forty-seven. Section fifty - eight, from 'The principles' down to 'in the Court of Session,' being sub-section sixteen.
35 & 36 Vict. c. 33.	The Ballot Act, 1872.	Section five, from the beginning down to 'one hundred registered electors.' Section twenty-four, from 'The offence of personation, or of aiding,' to 'hard labour,' and from 'The offence of personation shall be deemed to be' to the end of the section.
42 & 43 Vict. c. 75.	The Parliamentary Elections and Corrupt Practices Act, 1879.	Section three and schedule.
43 Vict. c. 18.	The Parliamentary Elections and Corrupt Practices Act, 1880.	The whole Act, except sections one and three.

## No. VI.

48 &amp; 49 VICT. c. 3.

*An Act to amend the Law relating to the Representation of the People of the United Kingdom.—[6th December, 1884.]*

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

*Preliminary.*

Short title of Act.

I. This Act may be cited as the Representation of the People Act, 1884.

*Extension of the Household and Lodger Franchise.*

Uniform household and lodger franchise.

II. A uniform household franchise and a uniform lodger franchise at elections shall be established in all counties and boroughs throughout the United Kingdom, and every man possessed of a household qualification or a lodger qualification shall, if the qualifying premises be situate in a county in England or Scotland, be entitled to be registered as a voter, and when registered to vote at an election for such county, and if the qualifying premises be situate in a county or borough in Ireland, be entitled to be registered as a voter, and when registered to vote at an election for such county or borough.

Tenure of house by office or service not to invalidate vote.

III. Where a man himself inhabits any dwelling-house by virtue of any office, service, or employment, and the dwelling-house is not inhabited by any person under whom such man serves in such office, service, or employment, he shall be deemed for the purposes of this Act and of the Representation of the People Acts to be an inhabitant occupier of such dwelling-house as a tenant.

*Prohibition of Multiplication of Votes.*

Restriction on jagot votes.

IV. Subject to the saving in this Act for existing voters, the following provisions shall have effect with reference to elections :

1. A man shall not be entitled to be registered as a voter in respect of the ownership of any rentcharge except the owner of the whole of the tithe rentcharge of a rectory, vicarage, chapelry, or benefice to which an apportionment of tithe rentcharge shall have been made in respect of any portion of tithes.
2. Where two or more men are owners either as joint tenants or as tenants in common of an estate in any land or tenement, one of such men, but not more than one, shall, if his interest is sufficient to confer on him a qualification as a voter in respect of the ownership of such estate, be

entitled (in the like cases and subject to the like conditions as if he were the sole owner) to be registered as a voter, and when registered to vote at an election.

Provided that where such owners have derived their interest by descent, succession, marriage, marriage settlement, or will, or where they occupy the land or tenement, and are *bona fide* engaged as partners carrying on trade or business thereon, each of such owners whose interest is sufficient to confer on him a qualification as a voter shall be entitled (in the like cases and subject to the like conditions as if he were sole owner) to be registered as a voter in respect of such ownership, and when registered to vote at an election, and the value of the interest of each such owner where not otherwise legally defined shall be ascertained by the division of the total value of the land or tenement equally among the whole of such owners.

*Assimilation of Occupation Qualification.*

V. Every man occupying any land or tenement in a county or borough in the United Kingdom of a clear yearly value of not less than ten pounds shall be entitled to be registered as a voter, and when registered to vote at an election for such county or borough in respect of such occupation subject to the like conditions respectively as a man is, at the passing of this Act, entitled to be registered as a voter and to vote at an election for such county in respect of the county occupation franchise, and at an election for such borough in respect of the borough occupation franchise.

Assimilation  
of occupation  
qualification.

*Supplemental Provisions.*

VI. A man shall not by virtue of this Act be entitled to be registered as a voter or to vote at any election for a county in respect of the occupation of any dwelling-house, lodgings, land, or tenement, situate in a borough.

Voter not  
to vote for  
county in  
respect of  
occupa-  
tion of

VII. (1.) In this Act the expression 'a household qualification' means, as respects England and Ireland, the qualification enacted by the third section of the Representation of the People Act, 1867, and the enactments amending or affecting the same, and the said section and enactments, so far as they are consistent with this Act, shall extend to counties in England and to counties and boroughs in Ireland.

property in  
borough.  
Definition  
of house-  
hold and  
lodger  
qualifica-  
tion and  
other fran-  
chises, and  
applica-  
tion of en-  
actments  
relating  
thereto.

(2.) In the construction of the said enactments, as amended and applied to Ireland, the following dates shall be substituted for the dates therein mentioned, that is to say, the twentieth day of July for the fifteenth day of July, the first day of July for the twentieth day of July, and the first day of January for the fifth day of January.

(3.) The expression 'a lodger qualification' means the



30 & 31  
Vict. c.  
102,  
31 & 32  
Vict. c.  
49, s. 4.

qualification enacted, as respects England, by the fourth section of the Representation of the People Act, 1867, and the enactments amending or affecting the same, and as respects Ireland, by the fourth section of the Representation of the People (Ireland) Act, 1868, and the enactments amending or affecting the same, and the said section of the English Act of 1867, and the enactments amending or affecting the same, shall, so far as they are consistent with this Act, extend to counties in England, and the said section of the Irish Act of 1868, and the enactments amending or affecting the same, shall, so far as they are consistent with this Act, extend to counties in Ireland; and sections five and six and twenty-two and twenty-three of the Parliamentary and Municipal Registration Act, 1878, so far as they relate to lodgings, shall apply to Ireland, and for the purpose of such application the reference in the said section six to the Representation of the People Act, 1867, shall be deemed to be made to the Representation of the People (Ireland) Act, 1868, and in the said section twenty-two of the Parliamentary and Municipal Registration Act, 1878, the reference to section thirteen of the Parliamentary Registration Act, 1843, shall be construed to refer to the enactments of the Registration Acts in Ireland relating to the making out, signing, publishing, and otherwise dealing with the list of voters, and the reference to the Parliamentary Registration Acts shall be construed to refer to the Registration Acts in Ireland, and the following dates shall be substituted in Ireland for the dates in that section mentioned, that is to say, the twentieth day of July for the last day of July, and the fourteenth day of July for the twenty-fifth day of July, and the word 'overseers' shall be construed to refer in a county to the clerk of the peace, and in a borough to the town clerk.

41 & 42  
Vict. c. 26,  
ss. 5, 6,  
22, 23.

31 & 32  
Vict. c.  
49.

6 & 7 Vict.  
c. 18.

(4.) The expression 'a household qualification' means, as respects Scotland, the qualification enacted by the third section of the Representation of the People (Scotland) Act, 1868, and the enactments amending or affecting the same, and the said section and enactments shall, so far as they are consistent with this Act, extend to counties in Scotland, and for the purpose of the said section and enactments the expression 'dwelling-house' in Scotland means any house or part of a house occupied as a separate dwelling, and this definition of a dwelling-house shall be substituted for the definition contained in section fifty-nine of the Representation of the People (Scotland) Act, 1868.

31 & 32  
Vict. c.  
48, s. 3.

31 & 32  
Vict. c.  
48, s. 59.

(5.) The expression 'a lodger qualification' means, as respects Scotland, the qualification enacted by the fourth section of the Representation of the People (Scotland) Act, 1868, and the enactments amending or affecting the same, and the said section and enactments, so far as they are consistent with this Act, shall extend to counties in Scotland.

(6.) The expression 'county occupation franchise' means, as respects England, the franchise enacted by the sixth section of the

Representation of the People Act, 1867, and, as respects Scotland, the franchise enacted by the sixth section of the Representation of the People (Scotland) Act, 1868; and, as respects Ireland, the franchise enacted by the first section of the Act of the session of the thirteenth and fourteenth years of the reign of Her present Majesty, chapter sixty-nine.

30 & 31  
Vict. c.  
102, s. 6.  
31 & 32  
Vict. c.  
48, s. 6.  
13 & 14  
Vict. c.  
69, s. 1.

(7.) The expression 'borough occupation franchise' means as respects England the franchise enacted by the twenty-seventh section of the Act of the session of the second and third years of the reign of King William the Fourth, chapter forty-five; and, as respects Scotland, the franchise enacted by the eleventh section of the Act of the session of the second and third years of the reign of King William the Fourth, chapter sixty-five; and, as respects Ireland, the franchise enacted by section five of the Act of the session of the thirteenth and fourteenth years of the reign of Her present Majesty, chapter sixty-nine, and the third section of the Representation of the People (Ireland) Act, 1868.

2 & 3 Will.  
IV. c. 45, s.  
27.

2 & 3 Will.  
IV. c. 65, s.  
11.

13 & 14  
Vict. c. 69,  
s. 6.

31 & 32  
Vict. c. 49,  
s. 3.

(8.) Any enactments amending or relating to the county occupation franchise or borough occupation franchise other than the sections in this Act in that behalf mentioned shall be deemed to be referred to in the definition of the county occupation franchise and the borough occupation franchise in this Act mentioned.

VIII. (1.) In this Act the expression 'the Representation of the People Acts' means the enactments for the time being in force in England, Scotland, and Ireland respectively relating to the representation of the people, inclusive of the Registration Acts as defined by this Act.

Definition of  
'Representation  
of the  
People Acts'  
and 'Registra-  
tion Acts.'

(2.) The expression 'the Registration Acts' means the enactments for the time being in force in England, Scotland, and Ireland respectively, relating to the registration of persons entitled to vote at elections for counties and boroughs, inclusive of the Rating Acts as defined by this Act.

(3.) The expressions 'the Representation of the People Acts' and 'the Registration Acts' respectively, where used in this Act, shall be read distributively in reference to the three parts of the United Kingdom as meaning in the case of each part the enactments for the time being in force in that part.

(4.) All enactments of the Registration Acts which relate to the registration of persons entitled to vote in boroughs in England in respect of a household or a lodger qualification, and in boroughs in Ireland in respect of a lodger qualification, shall, with the necessary variations and with the necessary alterations of precepts, notices, lists, and other forms, extend to counties as well as to boroughs.

(5.) All enactments of the Registration Acts which relate to the registration in counties and boroughs in Ireland of persons entitled to vote in respect of the county occupation franchise and the borough occupation franchise respectively, shall, with the

necessary variations and with the necessary alterations of precepts, notices, lists, and other forms, extend respectively to the registration in counties and boroughs in Ireland of persons entitled to vote in respect of the household qualification conferred by this Act.

(6.) In Scotland all enactments of the Registration Acts which relate to the registration of persons entitled to vote in burghs, including the provisions relating to dates, shall, with the necessary variations, and with the necessary alterations of notices and other forms, extend and apply to counties as well as to burghs; and the enactments of the said Acts which relate to the registration of persons entitled to vote in counties shall, so far as inconsistent with the enactments so applied, be repealed: Provided that in counties the valuation rolls, registers, and lists shall continue to be arranged in parishes as heretofore.

Definition and  
application of  
Rating Acts.

IX. (1.) In this Act the expression the 'Rating Acts' means the enactments for the time being in force in England, Scotland, and Ireland respectively, relating to the placing of the names of occupiers on the rate book, or other enactments relating to rating in so far as they are auxiliary to or deal with the registration of persons entitled to vote at elections; and the expression 'the Rating Acts' where used in this Act shall be read distributively in reference to the three parts of the United Kingdom as meaning in the case of each part the Acts for the time being in force in that part.

(2.) In every part of the United Kingdom it shall be the duty of the overseers annually, in the months of April and May, or one of them, to inquire or ascertain with respect to every hereditament which comprises any dwelling-house or dwelling-houses within the meaning of the Representation of the People Acts, whether any man, other than the owner or other person rated or liable to be rated in respect of such hereditament, is entitled to be registered as a voter in respect of his being an inhabitant occupier of any such dwelling-house, and to enter in the rate book the name of every man so entitled, and the situation or description of the dwelling-house in respect of which he is entitled, and for the purposes of such entry a separate column shall be added to the rate book.

(3.) For the purpose of the execution of such duty, the overseers may serve on the person who is the occupier or rated or liable to be rated in respect of such hereditament, or on some agent of such person concerned in the management of such hereditament, the requisition specified in the Third Schedule to this Act requiring that the form in that notice be accurately filled up and returned to the overseers within twenty-one days after such service; and if any such person or agent on whom such requisition is served fails to comply therewith, he shall be liable on summary conviction to a fine not exceeding forty shillings, and any overseer who fails to perform his duty under this section shall be

deemed guilty of a breach of duty in the execution of the Registration Acts, and shall be liable to be fined accordingly a sum not exceeding forty shillings for each default.

(4.) The notice under this section may be served in manner provided by the Representation of the People Acts with respect to the service on occupiers of notice of nonpayment of rates, and, where a body of persons, corporate or unincorporate, is rated, shall be served on the secretary or agent of such body of persons; and where the hereditament by reason of belonging to the Crown or otherwise is not rated, shall be served on the chief local officer having the superintendence or control of such hereditament.

(5.) In the application of this section to Scotland the expression 'rate book' means the valuation roll, and where a man entered on the valuation roll by virtue of this section inhabits a dwelling-house by virtue of any office, service, or employment, there shall not be entered in the valuation roll any rent or value against the name of such man as applicable to such dwelling-house, nor shall any such man by reason of such entry become liable to be rated in respect of such dwelling-house.

(6.) The proviso in section two of the Act for the valuation of lands and heritages in Scotland passed in the session of the seventeenth and eighteenth years of the reign of Her present Majesty, chapter ninety-one, and section fifteen of the Representation of the People (Scotland) Act, 1868, shall be repealed: <sup>31 & 32</sup> <sup>Vict. c. 48.</sup> Provided that in any county in Scotland the commissioners of supply, or the parochial board of any parish, or any other rating authority entitled to impose assessments according to the valuation roll, may, if they think fit, levy such assessments in respect of lands and heritages separately let for a shorter period than one year or at a rent not amounting to four pounds per annum in the same manner and from the same persons as if the names of the tenants and occupiers of such lands and heritages were not inserted in the valuation roll.

(7.) In Ireland where the owner of a dwelling-house is rated instead of the occupier, the occupier shall nevertheless be entitled to be registered as a voter, and to vote under the same conditions under which an occupier of a dwelling-house in England is entitled in pursuance of the Poor Rate Assessment and Collection Act, <sup>32 & 33</sup> <sup>Vict. c. 41.</sup> 1869, and the Acts amending the same, to be registered as a voter and to vote where the owner is rated, and the enactments referred to in the First Schedule to this Act shall apply to Ireland accordingly, with the modifications in that schedule mentioned.

(8.) Both in England and Ireland where a man inhabits any dwelling-house by virtue of any office, service, or employment, and is deemed for the purposes of this Act and of the Representation of the People Acts to be an inhabitant occupier of such dwelling-house as a tenant, and another person is rated or liable to be rated for such dwelling-house, the rating of such other person shall for the purposes of this Act and of the Representation of

the People Acts be deemed to be that of the inhabitant occupier; and the several enactments of the Poor Rate Assessment and Collection Act, 1869, and other Acts amending the same referred to in the First Schedule to this Act shall for those purposes apply to such inhabitant occupier, and in the construction of those enactments the word 'owner' shall be deemed to include a person actually rated or liable to be rated as aforesaid.

(9.) In any part of the United Kingdom where a man inhabits a dwelling-house in respect of which no person is rated by reason of such dwelling-house belonging to or being occupied on behalf of the Crown, or by reason of any other ground of exemption, such person shall not be disentitled to be registered as a voter, and to vote by reason only that no one is rated in respect of such dwelling-house, and that no rates are paid in respect of the same, and it shall be the duty of the persons making out the rate book or valuation roll to enter any such dwelling-house as last aforesaid in the rate book or valuation roll, together with the name of the inhabitant occupier thereof.

Saving.

X. Nothing in this Act shall deprive any person (who at the date of the passing of this Act is registered in respect of any qualification to vote for any county or borough) of his right to be from time to time registered and to vote for such county or borough in respect of such qualification in like manner as if this Act had not passed.

Provided that where a man is so registered in respect of the county or borough occupation franchise by virtue of a qualification which also qualifies him for the franchise under this Act he shall be entitled to be registered in respect of such latter franchise only.

Nothing in this Act shall confer on any man who is subject to any legal incapacity to be registered as a voter or to vote, any right to be registered as a voter or to vote.

Construction of Act.

XI. This Act, so far as may be consistently with the tenor thereof, shall be construed as one with the Representation of the People Acts as defined by this Act; and the expressions 'election,' 'county,' and 'borough,' and other expressions in this Act and in the enactments applied by this Act, shall have the same meaning as in the said Acts.

Provided that in this Act and the said enactments—

The expression 'overseers' includes assessors, guardians, clerks of unions, or other persons by whatever name known, who perform duties in relation to rating or to the registration of voters similar to those performed in relation to such matters by overseers in England.

The expression 'rentcharge' includes a fee farm rent, a feu duty in Scotland, a rent seck, a chief rent, a rent of assize, and any rent or annuity granted out of land.

The expression 'land or tenement' includes any part of a house separately occupied for the purpose of any trade, business,

or profession, and that expression, and also the expression 'here-  
'ditament,' when used in this Act, in Scotland includes 'lands  
'and heritages.'

The expressions 'joint tenants' and 'tenants in common'  
shall include 'pro indiviso proprietors.'

The expression 'clear yearly value' as applied to any land or  
tenement means in Scotland the annual value as appearing in the  
valuation roll, and in Ireland the net annual value at which the  
occupier of such land or tenement was rated under the last rate  
for the time being, under the Act of the session of the first and  
second years of the reign of Her present Majesty, chapter fifty-  
six, or any acts amending the same.

XII. Whereas the franchises conferred by this Act are in  
substitution for the franchises conferred by the enactments  
mentioned in the first and second parts of the Second Schedule  
hereto, be it enacted that the Acts mentioned in the first part of  
the said Second Schedule shall be repealed to the extent in the  
third column of that part of the said schedule mentioned, except  
in so far as relates to the rights of persons saved by this Act; and  
the Acts mentioned in the second part of the said Second Schedule  
shall be repealed to the extent in the third column of that part of  
the said schedule mentioned, except in so far as relates to the  
rights of persons saved by this Act, and except in so far as the  
enactments so repealed contain conditions made applicable by this  
Act to any franchise enacted by this Act. Repeal of certain  
superseded  
sections.

XIII. This Act shall commence and come into operation on  
the first day of January one thousand eight hundred and eighty-  
five:<sup>1</sup> Provided that the register of voters in any county or  
borough in Scotland made in the last-mentioned year shall not  
come into force until the first day of January one thousand eight  
hundred and eighty-six, and until that day the previous register  
of voters shall continue in force. Commencement  
of Act.

<sup>1</sup> Proviso repealed by § 31 of the Redistribution of Seats Act, 1885.

## FIRST SCHEDULE.

## ENACTMENTS APPLIED TO IRELAND.

Session and Chapter.	Title.	Enactments applied.
32 & 33 Vict. c. 41.	The Poor Rate Assessment and Collection Act, 1869.	Section seven; section eight; section nine; section ten, and the enactment of the Representation of the People Act, 1867, therein referred to; section nineteen; section twenty, so far as regards the definition of the word 'owner.'
41 & 42 Vict. c. 26.	The Parliamentary and Municipal Registration Act, 1878.	Section fourteen.
42 & 43 Vict. c. 10.	The Assessed Rates Act, 1879.	The whole Act.

## MODIFICATIONS.

Any penalty recoverable on summary conviction may be recovered in accordance with the law relating to summary convictions in Ireland.

In the above-mentioned enactment of the Representation of the People Act, 1867, the thirty-first day of December shall be substituted for the fifth day of January, the first day of May for the first day of June, and the twentieth day of May for the twentieth day of June.

## SECOND SCHEDULE.

## PART I.

## Section 12.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
2 & 3 Will. IV. c. 45.	An Act to amend the Representation of the People in England and Wales.	Section twenty, the words, 'or who shall occupy as tenant any lands or tenements for which he shall be <i>bond fide</i> liable to a yearly rent of not less than fifty pounds.'
2 & 3 Will. IV. c. 65.	An Act to amend the Representation of the People in Scotland.	Section nine, the words, 'or where such tenant shall, for the foresaid period of twelve months, have been in the actual personal occupancy of any such subject, where the yearly rent is not less than fifty pounds, or where the tenant, whatever the rent may be, has truly paid for his interest in such subject a price, grassum, or consideration of not less than three hundred pounds.'



## Section 12.

## PART II.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
2 & 3 Will. IV. c. 45.	An Act to amend the Representation of the People in England and Wales.	Section twenty-seven.
2 & 3 Will. IV. c. 65.	An Act to amend the Representation of the People in Scotland.	Section eleven, from the beginning of the section to the words 'sixth day 'of April then next 'preceding' inclusive.
13 & 14 Vict. c. 69.	An Act to amend the Laws which regulate the Qualification and Registration of Parliamentary Voters in Ireland, and to alter the Law for rating Immediate Lessors of Premises to the Poor Rate in certain Boroughs.	Sections one and five.
30 & 31 Vict. c. 102.	The Representation of the People Act, 1867.	Section six.
31 & 32 Vict. c. 48.	The Representation of the People (Scotland) Act, 1868.	Section six.
31 & 32 Vict. c. 49.	The Representation of the People (Ireland) Act, 1868.	Section three.

## THIRD SCHEDULE.

## Section 9.

## FORM OF REQUISITION BY OVERSEERS REQUIRING NAMES OF INHABITANT OCCUPIERS.

To *E.F.*

You are hereby required to fill up accurately the underwritten form.

If this form is not returned to [us], accurately filled up, within twenty-one days after the service hereof, you will be liable, under the Representation of the People Act, 1884, to a penalty not exceeding forty shillings.

Dated this                      day of                      18     .

*A.B.**C.D.*

Overseers [or assistant overseer] for the parish of

*Form of Return.*

1. Property in respect of which the Person making the Return is rated (or liable to be rated, or occupier).	2. Situation or Description of every Dwelling-house, as defined by the Representa- tion of the People Acts, forming part of the Property in First Column.	3. Surname and other Name of every Man who was on the fifteenth [or in English Counties or in Scotch Counties or Boroughs last, or in Irish Counties or Boroughs twentieth] day of July last, and has been up to the date of the Return an Inhabitant Occupier of any Dwelling- house in the Second Column.

I declare that the above is a true and complete return.

(Signed) *E.F.*

Dated the            day of            18 .

## No. VII.

48 &amp; 49 VICT. c. 16.

*An Act to amend the Law regulating the Registration of Voters in Scotland; and for other purposes relating thereto.*—[21st May, 1885.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

I. This Act may be cited as the Registration Amendment Short title. (Scotland) Act, 1885.

II. In this Act the expression 'Registration Acts' shall have the same meaning as in the Representation of the People Act, 1884. Definition. 48 & 49 Vict. c. 3.

III. (1.) It shall be lawful for the Queen by Order in Council to prescribe the forms necessary for carrying into effect the Registration Acts and this Act, including the form of the valuation roll, with power to substitute any form for any form contained in any schedule to the Registration Acts. Power of Her Majesty in Council to prescribe forms.

(2.) An Order in Council under this Act shall be published in the *Edinburgh Gazette*, and be laid before both Houses of Parliament forthwith after it is made. Publication, variation, and effect of Order.

(3.) It shall be lawful for the Queen by Order in Council from time to time to add to or vary an Order in Council made under this Act.

(4.) The valuation roll shall be in the form contained in the Form of valuation roll.

24 & 25 Vict.  
c. 88.

31 & 32 Vict.  
c. 48.

Assessor may  
call for a list of  
inhabitant  
occupiers.

48 & 49 Vict. c. 3.

Special provi-  
sion as to voters  
in 1885.

Dwelling-houses  
to be entered in  
valuation roll.

Register in  
divided parishes.

Register in  
parliamentary  
burghs merged  
in counties.

schedule to this Act until such form is altered by the Queen by Order in Council as aforesaid; and section five of the County Voters Registration (Scotland) Act, 1861, is hereby repealed, and section four of the said Act, and section sixteen of the Representation of the People (Scotland) Act, 1868, are hereby repealed in so far as these sections provide that the name of the person to whom the amount of feu-duty, ground-annual, or other yearly consideration payable as a condition of his right by any proprietor, is to be entered in the valuation roll. Provided that the second column of the valuation roll, headed 'description and situation of subject,' may be printed for any county without subdivision if the commissioners of supply of such county shall so determine.

IV. It shall be lawful for any assessor acting under the Registration Acts, instead of using the means of obtaining information for the purposes of registration provided by section nine of the Representation of the People Act, 1884, to call upon every person rated or liable to be rated in respect of the occupation of any lands and heritages which comprise any dwelling-house, or on some agent of such person concerned in the management of such lands and heritages, for an accurate written list of the names and occupations of all persons, other than such person, being inhabitant occupiers of any dwelling-house, and the month and year in which they began to occupy such dwelling-house, forming part of such lands and heritages, together with the situation or description of such dwelling-house; and if any such person or agent fails to furnish such written statement to the assessor within fourteen days after he has been required in writing so to do, he shall be liable, on summary conviction, to the same penalty as is enacted in similar cases by section seven of the Act passed in the session of the seventeenth and eighteenth years of the reign of Her present Majesty, chapter ninety-one.

V. Any person deemed to be an inhabitant occupier as tenant under section three of the Representation of the People Act, 1884, shall be registered in like manner as if the Representation of the People Act, 1884, had been in force throughout the year one thousand eight hundred and eighty-four, and had been duly carried into effect.

VI. In every future valuation roll to be made up in any county or burgh the assessor shall specify each dwelling-house within the meaning of the Representation of the People Act, 1884.

VII. Where a parish is divided into or forms part of more than one polling district, the register of voters in such parish shall be made up separately for each polling district.

VIII. Where any burgh has ceased as a burgh to return or to contribute to return a member to Parliament, the register of voters shall continue to be made up separately, but the duties hitherto performed by the town-clerk shall be performed by the sheriff-clerk.

IX. So much of section two of an Act passed in the session of the sixteenth and seventeenth years of the reign of Her present Majesty, chapter twenty-eight, as enacts that no increase or alteration of polling places and districts in counties shall be made until notice thereof has been given by advertisement for six weeks in the *North British Advertiser* and the *Edinburgh Gazette*, and in the several newspapers published within the county, is hereby repealed, and it shall be sufficient if such increase or alteration is advertised for two successive weeks in a newspaper or newspapers published or circulating in the county as the sheriff may direct.

Advertisement  
of new polling  
places in coun-  
ties.

16 & 17 Vict.  
c. 28

X. Where any county has been divided for the purposes of Parliamentary representation, it shall be lawful for the commissioners of supply to appoint the present assessor or assessors for such county to make up the register of voters in the several divisions of the county and to apportion the divisions among the assessors in such manner as the commissioners may determine, but until they shall otherwise determine, the assessor now appointed for the purpose of making up the register of any division, or the greater part of the area thereof, shall continue to act as the assessor for such division.

Registration  
where counties  
are divided.

XI. It shall not be lawful for any assessor, whether appointed before or after the passing of this Act, to be a sheriff-clerk or clerk of supply, or a collector of poor rates, or to be employed as a factor for heritable property, or land agent, in the county or burgh for which he may be the assessor.

Assessor not to  
be collector of  
poor rates or  
factor.

XII. It shall be lawful for the commissioners of supply of any county, or the magistrates of any burgh, to resolve at any meeting of their number, ordinary or special, duly called, and by a majority of those attending and voting, that the valuation roll of such county or burgh shall be printed for any period of years not exceeding ten, and it shall be lawful for such commissioners or magistrates to enter into contracts for printing the same, and the expenses of such printing shall be deemed to be part of the expenses of making up such roll, and shall be assessed for and levied accordingly: Provided always, that notice of the intention to move such resolution shall be inserted in the notice calling the meeting at which it is to be moved.

Printing of valua-  
tion roll.

And section ten of the Valuation of Lands (Scotland) Amendment Act, 1867, is hereby repealed.

30 & 31 Vict.  
c. 80.

XIII. Where lodgings are jointly occupied by more than one lodger, and the clear yearly value of the lodgings if let unfurnished is of an amount which when divided by the number of the lodgers gives a sum not less than ten pounds for each lodger, then each lodger, if otherwise qualified, and subject to the conditions of the Representation of the People (Scotland) Act, 1868, and of the Representation of the People Act, 1884, shall be entitled to be registered, and when registered to vote as a lodger, provided that not more than two persons, being such joint lodgers, shall be entitled to be registered in respect of such lodgings.

Joint occupa-  
tion of lodgings.

31 & 32 Vict.  
c. 48.

48 & 49 Vict.  
c. 2.

Declaration of  
lodger to be  
prima facie  
evidence.

XIV. In the case of a person claiming to vote as a lodger, the declaration annexed to his notice of claim shall for the purposes of revision be prima facie evidence of his qualification.

Remuneration  
of collectors of  
poor rates.

XV. For the duties imposed upon them by sections eighteen and nineteen of the Representation of the People (Scotland) Act, 1868, collectors of poor rates shall be entitled to remuneration at the rate of six shillings for every hundred names, and such remuneration shall be paid as part of the expenses of registration in counties and burghs respectively.

Additional offi-  
cers for registra-  
tion in 1885.

XVI. During the year one thousand eight hundred and eighty-five—

- (1.) It shall be lawful for the assessors, with the consent of the commissioners of supply and of the town council, in counties and burghs respectively, to employ such assistants as may be necessary in order to complete the registration of voters at every stage at the proper date ;
- (2.) It shall be lawful for the sheriff to appoint such number of substitutes as he thinks necessary to assist in the revision of the list of voters, such substitutes shall have the qualifications required by law for a salaried sheriff-substitute, and shall be paid at the rate of seven guineas per day.

All expenses under this section shall be paid as part of the expenses of registration in counties and burghs respectively.

Double entries  
of voters.

XVII. (1.) When the name of a person appears to be entered more than once as a voter on the lists of voters for the same parliamentary county or for the same burgh, the sheriff when revising the lists shall inquire whether such entries relate to the same person, and on proof that such entries relate to the same person shall retain one entry and strike out the others.

(2.) The said person may select the entry to be retained by notice in writing delivered or sent by post to the sheriff clerk at or before the opening of the first court at which the sheriff revises any of the lists in which any such entries appear, or by application made by such person or on his behalf at the first sitting of the court for the revision of such lists.

(3.) If no selection is so made the entry to be retained shall be determined as follows :—

(a.) In counties :—

- (i.) If one only of the entries is an entry on the list of voters as proprietor, that entry shall be retained ; and
- (ii.) If all or none of the entries are on the list of voters as proprietor, and one of the entries is the place of residence of the voter, the entry in respect of the place of residence shall be retained ; and
- (iii.) In any other case the entry which is first reached by the sheriff in revising the lists shall be retained :

(b.) In burghs :—

- (i.) If one of the entries is the place of residence of the voter,

the entry in respect of the place of residence shall be retained; and

(ii.) In any other case the entry which is first reached by the sheriff in revising the lists shall be retained :

and both in counties and in burghs, if any such entry to be retained is objected to, the sheriff shall not finally strike out any other entry until the objection to the entry to be retained has been determined by him in favour of the voter.

(4.) Where a burgh is divided into divisions and, notwithstanding the provisions of this section, the name of a person is entered in the register of parliamentary voters of more than one division of the said burgh, and one of these entries is his place of residence, he shall be entitled to vote only in that division in which he is registered as a voter in respect of his place of residence, and shall not vote in respect of any other entry.

(5.) In this section the expression "parliamentary county" means a county returning or contributing to return a member or members to serve in Parliament; and, where a county is divided for the purpose of such return, means a division of such county.

SCHEDULE.

Page \_\_\_\_\_ VALUATION ROLL for the Burgh [or County] of \_\_\_\_\_ for the Year 188 -188 . Parish. \_\_\_\_\_

No.	DESCRIPTION AND SITUATION OF SUBJECT.		PROPRIETOR.	TENANT.	OCCUPIER.	INHABITANT OCCUPIER not rated (48 Vict. c. 3, ss. 3 & 9).	FEU-DUTY or GROUND ANNUAL.	YEARLY RENT OR VALUE.
	Description.	Situation.						
	No.							

## No VIII.

48 &amp; 49 VICT. c. 23.

*An Act for the Redistribution of Seats at Parliamentary Elections, and for other Purposes.*—[25th June, 1885.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

*Preliminary.*

I. This Act may be cited as the Redistribution of Seats Act, Short title. 1885.

## PART I.

## REDISTRIBUTION.

*Boroughs.*

II. From and after the end of this present Parliament, the Parliamentary boroughs named in the first part of the First Schedule to this Act shall cease as boroughs to return any member. Boroughs named in First Schedule to be- come parts of counties or boroughs.

Each of the counties of cities and towns in the second part of the said schedule named shall, for the purpose of Parliamentary elections, be included in the county at large named opposite thereto in that part of the said schedule.

III. Whereas commissioners appointed in the year one thousand eight hundred and eighty, in pursuance of addresses to Her Majesty from both Houses of Parliament in relation to Parliamentary elections for the Parliamentary boroughs named in the third part of the First Schedule to this Act, reported in that year that corrupt practices had extensively prevailed in the said boroughs at such elections, be it therefore enacted as follows :—

After the passing of this Act, each of the Parliamentary boroughs named in the third part of the First Schedule to this Act shall cease to be entitled to return any member.

IV. From and after the end of this present Parliament, the City of London shall return two members, and no more, and each of the Parliamentary boroughs named in the Second Schedule to this Act shall return one member, and no more. Boroughs to have numbers of members reduced.

V. From and after the end of this present Parliament, each of the Parliamentary boroughs named in the Third Schedule to this Act shall return the number of members named opposite to such borough in the said schedule. Boroughs to have additional members.

VI. From and after the end of this present Parliament, each of the towns and places named in the Fourth Schedule to this Act New boroughs.



shall be a Parliamentary borough, and return the number of members specified opposite thereto in the said schedule; and each such new Parliamentary borough shall include the places and be comprised within the boundaries specified opposite thereto in the said schedule; and any Parliamentary borough existing at the passing of this Act, which is wholly or as regards the greater part thereof in extent comprised within the metropolis, and within the boundaries of any Parliamentary borough or boroughs constituted by this section, shall, from and after the end of this present Parliament, cease to exist as a borough.

Boroughs with  
their boundaries  
altered.

VII. (1.) From and after the end of this present Parliament, each of the Parliamentary boroughs named in the Fifth Schedule to this Act shall for all purposes of and relating to Parliamentary elections include the places and be comprised within the boundaries which are respectively specified and described in the said schedule, and shall not include the places which are either therein specified and described as excluded, or are included by this Act in any other Parliamentary borough.

(2.) Where, by virtue of this section, any area is added to a borough being a county of a city or of a town in which freeholders are entitled to vote for the borough, that area shall, for all purposes of and relating to Parliamentary elections held after the end of this present Parliament, form part of the county of a city or town, and not of the county at large of which it has heretofore formed part.

Division of  
Parliamentary  
boroughs.

VIII. (1.) From and after the end of this present Parliament, each of the Parliamentary boroughs mentioned in the Sixth Schedule to this Act shall, for the purpose of returning members to serve for such borough in Parliament, be divided into divisions.

(2.) The number of members for each division, and the number, names, contents, and boundaries of such divisions respectively, shall be those specified in the said schedule.

(3.) Where any Parliamentary borough is divided into divisions in pursuance of this section, a person shall not be registered as entitled to vote and shall not vote in more than one such division.

(4.) At a general Parliamentary election the polls (if any) for the divisions in a divided borough shall be taken on the same day, such day to be fixed by the returning officer of the borough, but nothing in this sub-section shall be taken to enlarge or extend the discretion vested in him by the Ballot Act of 1872, as to fixing the day of poll.

#### *Counties.*

Division of  
counties.

IX. (1.) From and after the end of this present Parliament, each of the counties at large named in the Seventh Schedule to this Act shall return the number of members in that behalf named in the said schedule; and for the purpose of returning such members, if more than one, shall be divided into the same number of divisions as the number of members; and each division shall

return one member; and the divisions (if any) of such county existing at the passing of this Act for the purpose of Parliamentary elections shall cease.

(2.) The names, contents, and boundaries of such divisions respectively shall be those specified in the said schedule, and any name placed before the description of a division shall be the name of the division, and where the names of the divisions are in the alternative, the division may be designated by both or either of such names for all purposes.

(3.) Subject to the provisions of this Act the members for each such division of a county shall be elected by persons qualified in the same manner, and the nomination and other proceedings at Parliamentary elections for such division shall be conducted in the same manner, as if such division were a separate constituency, and the law relating to Parliamentary elections shall apply to each such division as if it were a separate county.

## PART II.

### SUPPLEMENTAL PROVISIONS.

X. The occupation in immediate succession of different premises situate within a Parliamentary borough shall, for the purpose of qualifying a person for voting in any division of such borough in respect of occupation (otherwise than as a lodger), have the same effect as if all such premises were situate in that division of the borough in which the premises occupied by such person at the end of the period of qualification are situate.

Qualification by occupation of premises in immediate succession in divided borough.

XI. \* \* \* \* \*

Provisions as to Warwick and Leamington, and Pembroke.

XII. \* \* \* \* \*

Returning officers in new boroughs.

XIII. Where a Parliamentary borough is divided into divisions, the returning officer of such borough shall be the returning officer for each division, and may, by writing under his hand, appoint a fit person to be his deputy for all or any of the purposes relating to a Parliamentary election in any such division, and anything in relation to a Parliamentary election authorised or required to be done by, to, or before the returning officer (except the fixing of the day for taking the polls) may be done by, to, or before the returning officer himself or such deputy.

As to boroughs divided into divisions.

(2.) Every such deputy shall, in so far as he acts as returning officer, be deemed to be included in the expression 'returning officer' within the meaning of the law relating to Parliamentary elections.

(3.) For the purpose of determining the distance of the residence of any voter, and for all purposes of and incidental to the registration of voters in a Parliamentary borough divided into divisions, and for the purpose of the enactments respecting the division of any such borough into polling districts, all the divisions shall be deemed to form the same Parliamentary borough :

Provided that the lists and register of voters for the borough shall be framed, printed, and arranged in parts so as to correspond to the divisions thereof; and the voters in each division shall be numbered in a separate series.

(4.) In a borough divided into divisions, the election for two or more of such divisions shall be deemed to be the same election within the meaning of the enactments relating to personation and to voting, and the question which may be asked of voters at the poll shall be, 'Have you already voted here or elsewhere at this election for the borough of \_\_\_\_\_ either in this or in any other division?'

See 35 & 36 Vict.  
c. 33. s. 24.

(5.) Subject to the provisions of this Act, where any Parliamentary borough is divided into divisions, the members for each division of such borough shall be elected by the persons registered in such division as voters for the borough, and the nomination and other proceedings at Parliamentary elections for such division shall be conducted in the same manner as if such division were a separate constituency, and the law relating to Parliamentary elections shall apply to each division as if it were a separate Parliamentary borough.

Registration  
of freemen  
in divided  
boroughs.

Adaptation of 46  
& 47 Vict. c. 51  
to divided  
borough.

As to place of  
election.

#### XIV.

\* \* \* \* \*

XV. For the purposes of the provision of the schedule to the Corrupt and Illegal Practices Prevention Act, 1883, with respect to the voting of any paid election agent, sub-agent, polling agent, clerk, or messenger, a Parliamentary borough divided into divisions shall be deemed to form one borough, and any such agent, clerk, or messenger employed for payment at an election for any division may not vote in any other division of the borough.

XVI. (1.) The place of election, in the case of a division of a county at large shall be in such town situate in the said county at large or in a county of a city or town adjoining the said county at large, as the local authority having power to divide the division into polling districts, or in default of any determination by such local authority, the returning officer may from time to time determine, as being in their or his opinion the most convenient for the purposes of the election. Provided that in Ireland the place of election, in the case of a division of a county at large, shall from time to time be fixed by the returning officer, and shall be situate within the division or within a county of a city or town adjoining that division.

(2.) The place of election, in the case of a Parliamentary borough or any division of a Parliamentary borough, shall be such room or rooms in the said borough as the returning officer may from time to time determine, as being, in his opinion, the most convenient for the purposes of the election.

Saving of rights  
of voters on  
change of Par-  
liamentary area  
if otherwise  
qualified.

XVII. Where a place in which the qualifying property of any voter is situate is changed from one Parliamentary area to another, then, on the occasion of the first registration of Parliamentary voters which takes place after the passing of this Act, such voter

shall, as respects his right to have his name placed on the register and other rights of registration, whether arising out of successive occupation or the occupation of the same lodgings or otherwise, stand in the same position, so far as circumstances admit, in relation to the new area as he would have stood in if this Act had been in force before the commencement of the period of qualification, and such voter had acquired his rights under the law in force at such commencement as amended by this Act and the Representation of the People Act, 1884, and so much of the register of voters existing at the passing of this Act as relates to the new area had been a register for the new area.

A place shall be deemed to be changed from one Parliamentary area to another when it becomes part of a constituency of which it did not form part before the passing of this Act, and where the area of the constituency of which such place before such change formed part becomes, after such change, part of two or more constituencies, each of such two or more constituencies shall, for the purposes of this section, be deemed to have included the whole of the said area.

XVIII. Any such constitution of new parishes or division or alteration of boundaries of parishes made for poor law purposes by or in pursuance of any Act of Parliament, as has come into operation on or before the twenty-sixth day of March, one thousand eight hundred and eighty-five, and any alteration of the boundary of a county which is incidental to such constitution, division, or alteration, shall have effect also for all purposes of the law relating to Parliamentary elections for any future Parliament. Detached parts  
of parishes.

XIX. (1.) The registers of voters in force in the year one thousand eight hundred and eighty-five shall continue in force until the dissolution of this present Parliament, but, notwithstanding the continuance of this present Parliament, registers of voters shall be formed in the year one thousand eight hundred and eighty-five as they will require to be formed after the end of this present Parliament, and not otherwise. Transitory  
provisions as to  
registers of  
voters.

(2.) Divisions of counties may be divided into polling districts at any time after the passing of this Act in like manner as they might be divided after the end of this present Parliament.

(3.) When any act or thing has, before this Act came into operation, been done in pursuance of the Registration Acts, or in relation to polling districts or polling places, such act or thing shall be as valid as it would have been if this Act had previously thereto come into operation, and it had been done by the officer or authority and in the form and in relation to the constituency by whom, and in relation to which it would have been done if this Act had previously thereto come into operation, and where any act or thing ought to have been done if this Act had come into operation before the time for doing the same, the same shall be done forthwith after this Act comes into operation, and shall be as valid as if it had been done at the time now appointed by law.

- Marking of boundaries where they do not follow well-defined lines.** In England \* \* \* \* \*
- Adaptation of writs.** XX. (1.) Where the boundary of a Parliamentary borough or division of a borough does not follow the boundary of a parish or township, or other well-defined line of demarcation, the local authority having power to divide such borough into polling districts shall, as soon as may be after the passing of this Act, cause the several points of deviation of the boundary to be marked by means of boundary stones, posts, or other marks, which shall from time to time be maintained and renewed by such local authority.
- (2.) For the purposes of this section, any officer authorised in that behalf by the local authority may, by himself and his workmen, enter upon any lands doing as little damage as possible, and making compensation for such damage, the amount of such damage to be determined in case of dispute in manner provided by the Lands Clauses Consolidation Acts, with respect to disputed compensation for land.
- (3.) All expenses properly incurred by a local authority in pursuance of this section shall be defrayed as part of the expenses of the town clerk in the registration of voters for the Parliamentary borough.
- XXI. All writs to be issued for Parliamentary elections, and all mandates, precepts, instruments, proceedings, and notices consequent upon such writs, or relating to Parliamentary elections or the registration of voters, shall be framed and expressed in such manner and form as may be necessary for carrying into effect the provisions of this Act, and of the Representation of the People Act, 1884.
- Election laws to remain in force.** XXII. Subject to the provisions of this Act, the law now in force relating to Parliamentary elections shall remain in full force, and shall apply, as nearly as circumstances admit, to any constituency authorised by this Act to return a member or members to Parliament, as if it had heretofore returned such members to Parliament.
- Definition in schedules.** XXIII. In the schedules to this Act unless the context otherwise requires the following expressions have the meanings hereby assigned to them, that is to say:—
- The expression 'county' means a county at large.
- The expression 'sessional division' means a county petty sessional division as existing on the first day of January one thousand eight hundred and eighty-five, exclusive of any municipal borough having a separate commission of the peace which is geographically situate within that division, and a 'county petty sessional division' means any division of a county, or of a riding, division, or parts of a county, in and for which division petty sessions or special sessions are usually held, whether in one or more place or places in accordance with any Act of Parliament, custom, or otherwise.
- All towns corporate and places, which are not included in a sessional division as above defined and are not expressly mentioned

in the schedules to this Act, shall be considered as included in the sessional division which they adjoin, or if they adjoin more than one sessional division, then in the sessional division with which they have the longest common boundary.

Where a parish, townland, or other place with a definite boundary, whether larger or smaller than a parish or townland, is situate in a county or borough divided into Parliamentary divisions, and such parish, townland, or other place is not, in the schedules to this Act, included in any of the Parliamentary divisions of the county or borough in which it is situate, such parish, townland, or place shall be considered as included in that one of those Parliamentary divisions which it adjoins, or if it adjoins more than one of such divisions, then in that one of the said divisions with which it has the longest common boundary.

Where a Parliamentary division of a county or borough is described in any schedule to this Act as containing the whole of a sessional division, barony, or other area, with the exception of the portion comprised in another Parliamentary division of the same county or borough, and by reason of such description includes a parish, townland, or ward, or part of a ward, separated from the rest of the first-mentioned Parliamentary division by the whole or part of the said portion comprised in the other Parliamentary division, such parish, townland, ward, or part of a ward, shall, notwithstanding the said description, form part of the other Parliamentary division, as if it had been included in the said exception.

If any doubt arises as to the Parliamentary division of a county or borough in which any parish, townland, ward, or other place, whether larger or smaller than a parish, townland, or ward, is intended by the schedules to this Act to be included, such doubt shall be determined for the year one thousand eight hundred and eighty-five by the local authority having power to divide the said county or borough into polling districts, but in the case of a Parliamentary division of a county in Ireland, by the Local Government Board for Ireland, by order, made after local inquiry, and taking effect when made; and for subsequent years, on the application of any voter, shall be determined by an order of the Local Government Board for England or Ireland respectively, or in Scotland of one of Her Majesty's Principal Secretaries of State to be made after local inquiry, and to be confirmed by Parliament.

Any misnomer or inaccurate description in any of the schedules to this Act shall not in anywise prevent or abridge the operation of this Act with respect to the subject of such description, provided the same is so designated as to be commonly understood.

The expression 'Parliamentary borough' means the area comprised within the limits of a Parliamentary borough, and in the case of boroughs the limits of which are altered by this Act means the area comprised within the limits so altered, and in the case of a Parliamentary borough constituted by this Act means the area comprised within the limits of the Parliamentary borough as so

constituted ; provided that where reference is made to a present parliamentary borough, such reference shall be to the area comprised in the limits of a Parliamentary borough on the first day of January one thousand eight hundred and eighty-five.

The expression 'municipal borough' means as regards England the area on the first day of January one thousand eight hundred and eighty-five comprised within the limits of a municipal borough under the Municipal Corporations Act, 1882, and as regards Scotland means the area subject on the first day of January one thousand eight hundred and eighty-five, to the jurisdiction of the magistrates and town council of a burgh ; and as regards Ireland, means the area on the said day comprised within the limits of a borough under the Act of the third and fourth years of the reign of Her present Majesty, chapter one hundred and eight, and the Acts amending the same.

The expression 'municipal borough boundary' means the boundary of a municipal borough.

The expression 'district,' in relation to any place in the metropolis, means the district of a district board of works under the Metropolis Management Act, 1855, as described in Schedule B to that Act.

The expression 'local government district' means the area on the first day of January one thousand eight hundred and eighty-five comprised within the limits of any local government district as defined by the Public Health Act, 1875.

The expression 'ward' in relation to any place in the metropolis as defined by the Metropolis Management Act, 1855, means a ward as constituted on the first day of January one thousand eight hundred and eighty-five for the purpose of the election of vestrymen.

The expression 'ward' in relation to any place not in the metropolis means a ward of the municipal borough in reference to which the expression is used, as such ward was constituted on the first day of January one thousand eight hundred and eighty-five for the purpose of municipal elections.

The expression 'Parliamentary polling district' means a polling district of a Parliamentary borough as such district was constituted on the first day of January one thousand eight hundred and eighty-five for the purpose of Parliamentary elections.

The expression 'municipal polling district' means a polling district of a municipal borough, as such district was constituted on the first day of January one thousand eight hundred and eighty-five for the purpose of municipal elections.

The expression 'parish' means as regards England and Scotland a parish as constituted on the first day of January one thousand eight hundred and eighty-five for which a separate poor rate is or can be made, or for which separate overseers or a separate parochial board are or can be appointed, and as regards Ireland means a parish as appearing on the maps of the Ordnance Survey, and as adopted in the census.

Where reference is made in any schedule to a parish, townland, or barony which extends beyond a county at large or Parliamentary borough in relation to which such parish, townland, or barony is mentioned, the reference shall, unless otherwise expressed, be construed to refer only to such part of the parish, townland, or barony as is in the said county or borough.

The expression 'present' means on the first day of January one thousand eight hundred and eighty-five.

XXIV. In this Act, unless the context otherwise requires,— Definitions.

The expression 'member' means a member to serve in Parliament, and includes a knight of a shire.

The expression 'Parliamentary election,' means the election of a member or members.

The expression 'law relating to Parliamentary elections,' includes all laws, customs, and enactments relating to Parliamentary elections, inclusive of the law respecting the qualification and registration of voters.

The expression 'Lands Clauses Consolidation Acts' means the Lands Clauses Consolidation Act, 1845, and the Acts amending the same.

The expression 'the Registration Acts' has the same meaning as in the Representation of the People Act, 1884.

#### *Application to Scotland.*

XXV. This Act shall apply to Scotland, with the following Application of  
Act to Scotland.  
modifications:—

- (1.) The sheriff shall be substituted for 'the local authority' having power to divide a county or Parliamentary borough 'into polling districts,' and also for the 'revising barrister.'
- (2.) The expression 'Lands Clauses Consolidation Acts,' means the Lands Clauses Consolidation (Scotland) Act, 1845, and the Acts amending the same.
- (3.) Where by the operation of this Act any Royal or Parliamentary burgh ceases as a burgh to return or to contribute to return a member to Parliament, nothing in this Act shall affect in any other respect the rights and privileges of such burgh as a Royal or Parliamentary burgh, or the rights, privileges, and functions of the magistrates, town council, and officers thereof.

#### *Application to Ireland.*

XXVI.

\* \* \* \* \*

Application of  
Act to Ireland.

### PART III.

#### DISQUALIFICATION OF VOTERS FOR CORRUPT PRACTICES.

XXVII. The Acts mentioned in the first part of the Eighth Schedule to this Act, whereby certain persons reported guilty of Repeal of Acts  
in Eighth Sched-  
ule respecting  
corrupt prac-  
tices.



corrupt practices are declared not to have certain rights of voting, are hereby repealed to the extent in the third column of that schedule mentioned.

Disqualification  
of certain voters  
for corrupt  
practices.

XXVIII. (1.) Whereas commissioners appointed by Her Majesty, in pursuance of Addresses from both Houses of Parliament in the year one thousand eight hundred and eighty, reported that at Parliamentary elections for the boroughs named in the second part of the Eighth Schedule to this Act, the persons named in the schedules to the said reports had been guilty of corrupt practices, be it therefore enacted, that—

Where in any of the schedules to the said reports a person is named as having been guilty of any bribery, treating, or personation at an election held in the year one thousand eight hundred and eighty for the Parliamentary borough therein mentioned, that person shall be incapable during the period of seven years next after the presentation of the said reports respectively :

- (a.) Of being registered as a voter and of voting at any Parliamentary election for the county or division of a county in which the said borough, or any part thereof, is situate, in respect of any qualification situate within the borough ; and
- (b.) If the Parliamentary borough continues to return a member or members to serve in Parliament, of being registered as a voter and of voting, at any Parliamentary election for such borough.

(2.) Section thirty-nine of the Corrupt and Illegal Practices Prevention Act, 1883, shall apply to every person disqualified under this section for being registered as a voter.

(3.) Any person named in any of the said schedules to the said commissioner's reports against whom any criminal proceeding has been instituted for the corrupt practice referred to in the schedule, within the time limited for the purpose, and who has been acquitted, shall not be subject to any disqualification under this Act.

(4.) Any copy of a report of the said commissioners, and of the schedules annexed to that report, if purporting to be printed by any printer to Her Majesty, or under the authority of Her Majesty's Stationery Office, shall be sufficient evidence of the said report and schedules.

#### PART IV.

##### ACCELERATION OF REGISTRATION IN 1885.

Power to appoint additional barristers.

Dates for registration in the year 1885 in England.

Date for registration for 1885 in Scotland.

XXIX.

XXX.

XXXI.

In Scotland, notwithstanding anything contained in section thirteen of the Representation of the People Act, 1884, the Register of Voters made in the present year shall come into force on the first day of November one thousand eight hundred and eighty-five.

XXXII.

\* \* \* \* \*

Dates for revision in Ireland in 1885.  
Definitions.

XXXIII. For the purposes of this part of this Act,—

The expression 'present year' means the year one thousand eight hundred and eighty-five.

Other expressions in this part of this Act have, unless the context otherwise requires, the same meaning as in the Acts relating to the registration of Parliamentary voters.

XXXIV. All provisions of any Act of Parliament inconsistent with the provisions of this part of this Act shall not apply to the lists or register of voters to be made in the present year; but save as aforesaid, all the provisions of the Acts relating to the registration of Parliamentary voters shall remain in full force.

Temporary repeal of inconsistent provisions.

The expression 'Parliamentary county' means a county returning a member or members to serve in Parliament; and where a county is divided for the purpose of such return, means a division of such county.

## FIRST SCHEDULE.

## PART I.

## BOROUGHES TO CEASE AS SUCH.

## ENGLAND.

Borough.	County.
Abingdon . . . . .	Berks and Oxford.
Andover . . . . .	Southampton.
Aylesbury . . . . .	Buckingham.
Banbury . . . . .	Oxford and Northampton.
Barnstaple . . . . .	Devon.
Beaumaris (district) . . . . .	Anglesey.
Berwick-upon-Tweed . . . . .	
Bewdley . . . . .	Worcester.
Bodmin . . . . .	Cornwall.
Brecon . . . . .	Brecon.
Bridgnorth . . . . .	Salop.
Bridport . . . . .	Dorset.
Buckingham . . . . .	Buckingham.
Calne . . . . .	Wilts.
Cardigan (district) . . . . .	Cardigan, Pembroke, and Carmarthen.
Chichester . . . . .	Sussex.
Chippenham . . . . .	Wilts.
Chipping Wycombe . . . . .	Buckingham.
Cirencester . . . . .	Gloucester.
Ulitheroe . . . . .	Lancaster.
Cockermouth . . . . .	Cumberland.
Cricklade . . . . .	Wilts and Gloucester.
Devizes . . . . .	Wilts.
Dorchester . . . . .	Dorset.
Droitwich . . . . .	Worcester.
East Retford . . . . .	Nottingham and York.

ENGLAND—*continued.*

Borough.	County.
Eveaham . . . . .	Worcester.
Eye . . . . .	Suffolk.
Frome . . . . .	Somerset.
Great Marlow . . . . .	Buckingham and Berks.
Guildford . . . . .	Surrey.
Harwich . . . . .	Essex.
Haverfordwest (district) . . . . .	Pembroke.
Helston . . . . .	Cornwall.
Hertford . . . . .	Hertford.
Horsham . . . . .	Sussex.
Huntingdon . . . . .	Huntingdon.
Kendal . . . . .	Westmoreland.
Knaresborough . . . . .	York, West Riding.
Launceston . . . . .	Cornwall.
Leominster . . . . .	Hereford.
Lewes . . . . .	Sussex.
Lichfield . . . . .	
Liskeard . . . . .	Cornwall.
Ludlow . . . . .	Salop and Hereford.
Lymington . . . . .	Southampton.
Maldon . . . . .	Essex.
Malmesbury . . . . .	Wilts.
Malton . . . . .	York, North Riding and East Riding.
Marlborough . . . . .	Wilts.
Midhurst . . . . .	Sussex.
Newark . . . . .	Nottingham.
Newport . . . . .	Isle of Wight.
New Shoreham . . . . .	Sussex.
Northallerton . . . . .	York, North Riding.
Petersfield . . . . .	Southampton.
Poole . . . . .	Dorset.
Radnor (district) . . . . .	Radnor and Hereford.
Richmond . . . . .	York, North Riding.
Ripon . . . . .	York, West Riding.
Rye . . . . .	Sussex.
St. Ives . . . . .	Cornwall.
Shaftesbury . . . . .	Dorset and Wilts.
Stamford . . . . .	Lincoln and Northampton.
Stroud . . . . .	Gloucester.
Tamworth . . . . .	Stafford and Warwick.
Tavistock . . . . .	Devon.
Tewkesbury . . . . .	Gloucester.
Thirsk . . . . .	York, North Riding.
Tiverton . . . . .	Devon.
Truro . . . . .	Cornwall.
Wallingford . . . . .	Berks and Oxford.
Wareham . . . . .	Dorset.
Wenlock . . . . .	Salop.
Westbury . . . . .	Wilts.
Weymouth and Melcombe Regis . . . . .	Dorset.
Whitby . . . . .	York, North Riding.
Wilton . . . . .	Wilts.
Woodstock . . . . .	Oxford.

## SCOTLAND.

Borough.	County.
Haddington (District of Burghs)	Haddington, Roxburgh, and Berwick.
Wigtown (District of Burghs)	Wigtown and Kirkcudbright.

## IRELAND.

Borough.	County.
Armagh . . . . .	Armagh.
Athlone . . . . .	Westmeath and Roscommon.
Bandon . . . . .	Cork.
Carlow . . . . .	Carlow and Queen's.
Carrickfergus . . . . .	
Clonmel . . . . .	Tipperary and Waterford.
Coleraine . . . . .	Londonderry.
Downpatrick . . . . .	Down.
Drogheda . . . . .	
Dundalk . . . . .	Louth.
Dungannon . . . . .	Tyrone.
Dungarvan . . . . .	Waterford.
Ennis . . . . .	Clare.
Enniskillen . . . . .	Fermanagh.
Kinsale . . . . .	Cork.
Lisburn . . . . .	Antrim and Down.
Mallow . . . . .	Cork.
New Ross . . . . .	Wexford and Kilkenny.
Portarlington . . . . .	Queen's and King's.
Tralee . . . . .	Kerry.
Wexford . . . . .	Wexford.
Youghal . . . . .	Cork.

## PART II.

Each County of a City or of a Town named below shall, for the purpose of Parliamentary Elections, be included in the County at large placed opposite to it.

County of City or Town.	County at Large in which it is to be included.
Berwick-upon-Tweed . . . . .	Northumberland.
Haverfordwest . . . . .	Pembroke.
Lichfield . . . . .	Stafford.
Carrickfergus . . . . .	Antrim.
Drogheda . . . . .	Louth.

## PART III.

## BOROUGHES DISFRANCHISED FOR CORRUPTION.

Macclesfield.  
Sandwich.

## SECOND SCHEDULE.

## BOROUGHES TO LOSE ONE MEMBER.

ENGLAND.	ENGLAND— <i>continued.</i>
Bedford.	Penryn and Falmouth.
Boston.	Peterborough.
Bury St. Edmunds.	Pontefract.
Cambridge.	Reading.
Canterbury.	Rochester.
Carlisle.	Salisbury.
Chester.	Scarborough.
Colchester.	Shrewsbury.
Coventry.	Stafford.
Dover.	Stoke-upon-Trent.
Durham.	Taunton.
Exeter.	Warwick.
Gloucester.	Wigan.
Grantham.	Winchester.
Hastings.	Worcester.
Hereford.	
King's Lynn.	
Lincoln.	
Maidstone.	
Newcastle-under-Lyme.	
Oxford.	

## IRELAND.

Galway.  
Limerick.  
Waterford.

## THIRD SCHEDULE.

## BOROUGHES TO HAVE ADDITIONAL MEMBERS.

Name of Borough.	Total Number of Members.	Name of Borough.	Total Number of Members.
ENGLAND.			
Birmingham . . .	Seven.	SCOTLAND.	
Bradford . . . .	Three.	Aberdeen . . .	Two.
Bristol . . . . .	Four.	Edinburgh . . .	Four.
Kingston-upon-Hull .	Three.	Glasgow . . . .	Seven.
Leeds . . . . .	Five.		
Liverpool . . . .	Nine.		
Manchester . . . .	Six.		
Nottingham . . . .	Three.		
Salford . . . . .	Three.		
Sheffield . . . . .	Five.		
Southwark . . . .	Three.		
Swansea . . . . .	Two.		
Tower Hamlets . . .	Seven.		
Wolverhampton . . .	Three.		
		IRELAND.	
		Belfast . . . .	Four.
		Dublin . . . . .	Four.

## FOURTH SCHEDULE.

## NEW BOROUGHES.

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## FIFTH SCHEDULE.

## CONTENTS AND BOUNDARIES OF BOROUGHES WITH ALTERED BOUNDARIES.

## ENGLAND.

\* \* \* \*

## SCOTLAND.

Name of Parliamentary Borough.	Contents and Boundaries.
Edinburgh .	The present Parliamentary burgh of Edinburgh ; and So much of the municipal burgh of Edinburgh as is not included within the said Parliamentary burgh.
Glasgow .	The present Parliamentary burgh of Glasgow ; and So much of the municipal burgh of Glasgow as is not included within the said Parliamentary burgh.
Galashiels (in Hawick district) .	The present Parliamentary burgh of Galashiels ; and So much of the municipal burgh of Galashiels as is not included within the said Parliamentary burgh.
Greenock .	The present Parliamentary burgh of Greenock ; and So much of the municipal burgh of Greenock as is not included within the said Parliamentary burgh.
Hamilton (in Falkirk district) .	The present Parliamentary burgh of Hamilton ; and So much of the municipal burgh of Hamilton as is not included within the said Parliamentary burgh.
Kilmarnock (in Kilmarnock district) .	The present Parliamentary burgh of Kilmarnock ; and So much of the municipal burgh of Kilmarnock as is not included within the said Parliamentary burgh.
Port-Glasgow (in Kilmarnock district) .	The present Parliamentary burgh of Port-Glasgow ; and So much of the municipal burgh of Port-Glasgow as is not included within the said Parliamentary burgh.
Renfrew (in Kilmarnock district) .	The present Parliamentary burgh of Renfrew ; and So much of the municipal burgh of Renfrew as is not included within the said Parliamentary burgh.
Kirkcaldy (in Kirkcaldy district) .	The present Parliamentary burgh of Kirkcaldy ; and So much of the municipal burgh of Kirkcaldy as is not included within the said Parliamentary burgh (except so much of such municipal burgh as is comprised within the present Parliamentary burgh of Dysart).

## IRELAND.

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## SIXTH SCHEDULE.

## DIVISIONS OF BOROUGHES.

*Numbers, Names, Contents, and Boundaries of Divisions.*

## PART I.

## ENGLAND.

\* \* \* \*

## PART II.

## SCOTLAND.

## ABERDEEN.

Two Divisions.—One Member for each Division.

## NAMES AND CONTENTS OF DIVISIONS.

## No. 1. THE NORTH DIVISION. No. 2. THE SOUTH DIVISION.

The Municipal Wards of—

St. Clement,  
 St. Andrew,  
 St. Machar, and  
 Greyfriars, and  
 the tenth, and  
 eleventh Parliamentary Polling  
 Districts.

The Municipal Wards of—

St. Nicholas,  
 Rosemount,  
 Rubislaw, and  
 Ferryhill, and  
 the ninth Parliamentary Poll-  
 ing District.

## EDINBURGH.

Four Divisions.—One Member for each Division.

## NAMES, CONTENTS, AND BOUNDARIES OF DIVISIONS.

## No. 1.—THE EAST DIVISION.

The Municipal Wards of—

Broughton,  
 Calton, and  
 Canongate,  
 And so much of St. Leonard's  
 Ward as lies to the north of a  
 line drawn along the centres of  
 East and West Richmond Streets.

No. 3.—THE CENTRAL  
DIVISION.

The Municipal Wards of—

St. Giles,  
 George Square, and  
 St. Leonard, except so much as is  
 comprised in Division No. 1, as  
 herein described.

## No. 2.—THE WEST DIVISION.

The Municipal Wards of—

St. Andrew,  
 St. Stephen,  
 St. Bernard, and  
 St. Luke.

## No. 4.—THE SOUTH DIVISION.

The Municipal Wards of—

St. George,  
 St. Cuthbert, and  
 Newington.

## GLASGOW.

Seven Divisions.—One Member for each Division.

## NAMES, CONTENTS, AND BOUNDARIES OF DIVISIONS.

## No. 1.—THE BRIDGETON DIVISION.

The First and Fourth Municipal Wards.

## No. 2.—THE CAMLACHIE DIVISION.

The Second Municipal Ward, and so much of the Third Municipal Ward as lies south of a line drawn along the centre of Duke Street.

## No. 3.—ST. ROLLOX DIVISION.

The Fifth Municipal Ward, and the Third Municipal Ward, except so much as is comprised in Division No. 2 as herein described.

## No. 4.—THE CENTRAL DIVISION.

The Seventh, Eighth, Ninth, Twelfth, and Thirteenth Municipal Wards.

## No. 5.—THE COLLEGE DIVISION.

The Tenth and Eleventh Municipal Wards.

## No. 6.—THE TRADESTON DIVISION.

The Fifteenth and Sixteenth Municipal Wards.

No. 7.—THE BLACKFRIARS AND HUTCHESONTOWN  
DIVISION.

The Sixth and Fourteenth Municipal Wards.

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 PART III.

## IRELAND.

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 SEVENTH SCHEDULE.

## COUNTIES AT LARGE.

## NUMBER OF MEMBERS AND NAMES AND CONTENTS OF DIVISIONS.

## PART I.—ENGLAND.

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PART II.—SCOTLAND.

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COUNTY OF FIFE.

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Two Members.—Two Divisions.

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NAMES, CONTENTS, AND BOUNDARIES OF DIVISIONS.

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## No. 1.—THE EASTERN DIVISION.

The Parishes of—Abdie, Abernethy, Anstruther Wester, Anstruther Easter, Arngask, Auchtermuchty, Balmerino, Cameron, Carnbee, Ceres, Collessie, Crail, Creich, Cultra, Cupar, Dairsie, Dunbog, Dunino, Elie, Falkland, Ferry-Port-on-Craig, Flisk, Forgan, Kemback, Kennoway, Kettle, Kilconquhar, Kilmany, Kilrenny, Kingsbarns, Largo, Leuchars, Logie, Monimail, Moonzie, Newburgh, Newburn, Pittenweem, St. Andrews, St. Leonards, St. Monance, Scoonie, and Strathmiglo.

## No. 2.—THE WESTERN DIVISION.

The Parishes of—Abbotshall, Aberdour, Auchterderran, Auchtertool, Ballingry, Beath, Burntisland, Carnock, Dalgetty, Dunfermline, Dysart, Inverkeithing, Kinghorn, Kinglassie, Kirkcaldy, Leslie, Markinch, Saline, Torryburn, and Wemyss.

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COUNTY OF LANARK.

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Six Members.—Six Divisions.

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NAMES, CONTENTS, AND BOUNDARIES OF DIVISIONS.

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## No. 1.—THE GOVAN DIVISION.

So much of the Parish of Govan as lies south of the Clyde beyond the present boundary of the municipal burgh of Glasgow.

## No. 2.—THE PARTICK DIVISION.

So much of the Parish of Govan as lies north of the Clyde, and beyond the present boundary of the municipal burgh of Glasgow, and so much of the parish of Barony as lies to the west of the present main line of railway between Glasgow and Edinburgh of the North British Railway Company (being the old Edinburgh and Glasgow Railway) and beyond the present boundary of the municipal burgh of Glasgow.

**No. 3.—THE NORTH-WESTERN DIVISION.**

So much of the Parish of Barony as lies beyond the present boundary of the municipal burgh of Glasgow, and to the east of the main line of railway before mentioned, and the Parishes of Cadder and Old Monkland.

**No. 4.—THE NORTH-EASTERN DIVISION.**

The Parishes of—New Monkland, Shotts, Dalziel, Bothwell, and so much of the parish of Hamilton as lies north and east of the River Clyde.

**No. 5.—THE MID DIVISION.**

The Parishes of—Rutherglen, Carmunnock, so much of the parish of Cathcart as adjoins the two last-mentioned parishes, Cambuslang, Blantyre, so much of the parish of Hamilton as lies south and west of the River Clyde, Dalsert and Cambusnethan.

**No. 6.—THE SOUTHERN DIVISION.**

The Parishes of—Biggar, Carluke, Carmichael, Carnwath, Carstairs, Covington and Thankerton, Crawford, Crawfordjohn, Culter, Dolphinton, Douglas, Dunsyre, Lamington and Wandel, Lanark, Lesmahagow, Liberton, Pettinain, Symington, Walston, Wiston and Robertson, Moffat, Avondale, Stonehouse, Glasford, East Kilbride, so much of the parish of Cathcart as adjoins East Kilbride, and so much of the parish of Kirkpatrick Juxta as may be in the county of Lanark.

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**COUNTY OF PERTH.**

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Two Members.—Two Divisions.

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**NAMES, CONTENTS, AND BOUNDARIES OF DIVISIONS.**

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**No. 1.—THE EASTERN DIVISION.**

The Parishes of—Aberdalgie, Alyth, Abernyte, Auchtergaven, Arngask, Abernethy, Blairgowrie, Bendochy, Coupar-Angus, Cargill, Caputh (except the detached portions locally situated in Forfarshire), Collace, Clunie, Dunbarney, Dunning, the detached portion of the parish of Dunkeld and Dowally which contains the town of Dunkeld, Dron, Errol, Fowlis-Easter, Forteviot, Forgandenny, Findogask, Inchtute, so much of the parish of Kettins as is locally situate in Perthshire, Kinloch, Kinfauns, Kinclaven, Kinnaird, Kinnoull, Kilspindie, Lethendy, Longforgan (including so much of the parish of 'Liff, Benvie, and Invergowrie' as is situate in Perthshire), Meikle, Methven, Moneydie, Perth, Redgorton, Tibbermore, Rattray, Rhynd, Scone, St. Martins, and St. Madoes.

**No. 2.—THE WESTERN DIVISION.**

The parishes of—Aberfoyle, Ardoch, Auchterarder, Blair-Athole, Balquhidder, Blackford, Crieff, Comrie, Callander, Dunkeld and Dowally (except so much as is comprised in Division No. 1 as herein described), Dunblane, Dull, Fortingall, Fowlis Wester, Glendevon, Kenmore, Killin, Kilmadock, Kincardine, Kippen (except the detached part locally situate in Stirlingshire), Kirk-michael, Little Dunkeld, Logierait, Lecropt, Moulin, Madderty, Monzie, Monzievaird and Strowan, Muthill, Port of Menteith, Trinity Gask, and Weem.

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**COUNTY OF RENFREW.**

Two Members.—Two Divisions.

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**NAMES, CONTENTS, AND BOUNDARIES OF DIVISIONS.**

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**No. 1.—THE EASTERN DIVISION.**

The Parish of Eastwood, so much of the parish of Govan as lies beyond the present boundary of the municipal burgh of Glasgow, and the parishes of Cathcart, Mearns, and Eaglesham.

**No. 2.—THE WESTERN DIVISION.**

The parishes of Inverkip, Greenock, Port Glasgow, Kilmalcolm, Erskine, Inchinnan, Houston, Kilbarchan, Lochwinnoch, Renfrew, Abbey, Neilston, Beith, and Dunlop.

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**PART III.—IRELAND.**

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## EIGHTH SCHEDULE.

## FIRST PART.

Year and chapter.	Title.	Extent of Repeal.
30 & 31 Vict. c. 102.	The Representation of the People Act, 1867.	Sections thirteen, fourteen, fifteen, and sixteen.
33 & 34 Vict. c. 21.	An Act to disfranchise the boroughs of Bridgewater and Beverley.	Sections two, three, four, and five.
33 & 34 Vict. c. 25.	An Act to disfranchise certain voters of the city of Norwich.	The whole Act.
33 & 34 Vict. c. 38.	An Act to disfranchise the boroughs of Sligo and Cashel.	Sections two, three, and four.
33 & 34 Vict. c. 54.	An Act to disfranchise certain voters of the city of Dublin.	The whole Act.
34 & 35 Vict. c. 77.	An Act to disfranchise certain voters for the city of Norwich.	The whole Act.

## SECOND PART.

## BOROUGHs REPORTED ON BY ELECTION COMMISSIONERS OF 1880.

Boston.  
Canterbury.  
Chester.  
Gloucester.  
Knaresborough.  
Macclesfield.  
Oxford.  
Sandwich.



# APPENDIX.

## PART II.

CROWN OFFICE, 13th June, 1885.

SIR,—I am directed by the Lord Advocate to transmit to you herewith copies of the Representation of the People Act, 1884, and of the Registration Amendment (Scotland) Act, 1885, and to draw your attention to the changes in the law made by these statutes (1) with respect to the qualifications of persons entitled to be registered as voters, and (2) with respect to the mode of making up the Register of Voters in Counties.

For the most part the Lord Advocate does not think that the provisions of these Acts would be made clearer by any commentary. But there are one or two points to which he desires to direct your special attention.

1. By section 8 (6) of the Representation of the People Act, 1884, 'all enactments of the Registration Acts which relate to the registration of persons entitled to vote in burghs, including the provisions relating to dates, shall, with the necessary variations, and with the necessary alterations of notices and other forms, extend and apply to counties as well as to boroughs.'

The machinery for registration in burghs is provided by the Burgh Registration Act, 1856, as amended with respect to the dates by the Representation of the People (Scotland) Act, 1868. The former Act, so amended, will consequently regulate, for the future, registration in counties also. Annexed hereto is a copy of the Act, showing the variations necessary in order to make it applicable to counties.

19 & 20 Vict.  
c. 58.  
31 & 32 Vict.  
c. 43.

2. I am also to direct your attention to the special provisions of the two first-mentioned Acts, with respect to persons qualified under section 3 of the first-mentioned Act as possessing what has been called the 'service franchise.' In order to provide means for their appearing on the Register, the assessors are directed by section 9 (2) to ascertain whether any man other than the owner or other person rated or liable to be rated in respect of any lands and heritages, is entitled to be registered as a voter in respect of his being an inhabitant occupier of any dwelling-house on such lands and heritages, and to enter in the Valuation Roll the name of every man so entitled, and the description and situation of the dwelling-house by which he is entitled; and for the purposes of such entry a separate column is directed to be added to the Valuation Roll. For obtaining the information necessary for this column, means are

provided by section 9 (3) of the first-mentioned Act, and section 4 of the Registration Act. Under these sections the assessors will obtain a list of the inhabitant occupiers of every dwelling-house, and it will be their duty to put upon the register the name of every man who, though not rated or liable to be rated, possesses a qualification entitling him to be registered as a voter.

3. You will observe, further, that while section 15 of the Representation of the People (Scotland) Act, 1868, which prescribes that the Assessor shall be bound to specify each dwelling-house in the Valuation Roll for Burghs, is repealed, this provision is, by section 6 of the Registration Amendment Act, re-enacted both for counties and for burghs. The word 'dwelling-house' is defined by section 7 (4) of the Representation of the People Act, 1884. Every house must be entered, although it may be empty or occupied by a female or a minor. It also follows that where the nature of the qualification is the tenancy of a farm on which there is a farm house, the subject should now be described not as 'Farm,' but as 'Farm and 'House,' in addition to specifying any other houses which may be upon the farm.

While the convenience of this provision is very obvious, I am to point out that the specification of a dwelling-house does not imply that the occupier is to be registered as a voter, unless he is a man of full age possessing some legal qualification entitling him to be so registered.

4. I am also to call your attention to the introduction of the Lodger Franchise into counties by section 2 of the Representation of the People Act, 1884. The nature of the qualification is stated in section 4 of the Representation of the People (Scotland) Act, 1868, and the requisite forms are given in Schedule I. to that Act. The law as to this Franchise is further amended by sections 13 and 14 of the Registration Amendment (Scotland) Act, 1885.

5. Every voter must be qualified either as a proprietor or a tenant, or as deemed to be a tenant under the Service Franchise; and although other conditions may be required to complete the qualification, it will be sufficient, in accordance with a rule settled by the Registration Appeal Court, that the nature of a voter's qualification should be entered in the register as either 'proprietor' or 'tenant,' without stating that he is also occupant or inhabitant occupier, as the case may be.

6. By section 8 of the Registration Amendment Act, where a former Parliamentary burgh is merged in the county, the Register of Voters shall continue to be made up separately; but as the burgh will for the future form part of the county, this duty will be performed by the county Assessor.—I am, Sir, your obedient servant,

CHAS. B. LOGAN,  
Crown Agent.

*The Assessor of*

.....

## No. I.

19 & 20 VICT. c. 58.<sup>1</sup>

*An Act to amend the Law for the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for Burghs in Scotland.*—[21st July, 1856.]

‘WHEREAS an Act was passed in the Session of Parliament holden 2 & 3 WILL. IV. in the second and third years of the reign of His Majesty King William the Fourth, intituled “An Act to amend the Representation of the People in Scotland;” and it is expedient to explain and amend some parts of the said Act, and to make further and other provisions relating to the registration of persons entitled to vote in the election of members to serve in Parliament for burghs in Scotland:’ Be it enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

I. The clauses and provisions of the said Act, enacted for the purpose of forming registers of persons entitled to vote in the election of Members to serve in Parliament for burghs in Scotland, shall be and the same are hereby repealed, except as to any register heretofore made; and [Rep., Stat. Law Rev. Act, 1875] this Act shall be taken to be part of the said Act as fully as if it were incorporated therewith. Repeal of certain provisions of recited Act.

II. The assessor of every *burgh* [county or division of a county] shall, on or before the fifteenth day of *August* [September] in every year, make out or cause to be made out, according to the form number I. of the Schedule A. hereunto annexed, a list of all persons who may be entitled to vote in the election of a member or members to serve in Parliament for such *burgh* [county or division]; and such list shall be arranged in *wards* [parishes] (*where the burgh is divided into wards*) and in polling districts; and each *ward* [parish] and polling district shall be arranged, as far as conveniently may be, in the alphabetical order of the surnames of the persons entitled as aforesaid, or otherwise, as far as conveniently may be, in the alphabetical order of streets, squares, lanes, and other places in which houses are distinguished by numbers, and in which the subjects of qualification are situated; and as regards all other places, in the alphabetical order of the surnames of the persons entitled as aforesaid; and in such list Assessors to make out list of voters;

<sup>1</sup> The words in italics are those appearing in the Act itself, the amendments and variations being printed within brackets. The Act is printed from the revised edition of the Statutes, showing the portions repealed. The sections regarding appeals from the judgments of sheriffs in Registration Courts for counties and burghs have been repealed (*vide* 31 & 32 Vict. c. 48, § 22).



the Christian name and surname of every such person shall be written at full length, together with his occupation, the place of his abode, and nature of his qualification, and the name of the street, and number of the house (if any), or other description of the place where the property in right of which he is entitled to vote may be situate; and the assessor shall sign the said list, and shall forthwith cause a sufficient number of copies thereof to be written or printed; and shall, on or before the said fifteenth day of *August* [September] in every year, publish copies of the said list, by affixing the same on or near the *Town Hall* or other conspicuous place within the burgh [on the door of the church of each parish, and in any polling district in which there is no parish church in some other conspicuous place]; and shall also, on or before such fifteenth day of *August* [September], give notice by advertisement in some one or more newspapers circulating in the burgh [county or division], of the place at which a copy of such list will be open to perusal; and such copy shall be open to perusal by any person, without payment of any fee, at any time between the hours of ten o'clock in the forenoon and four o'clock in the afternoon of each day, except *Sunday*, from the sixteenth to the twenty-fifth [first] days of *August* [September], both inclusive; and the assessor shall deliver copies thereof signed by him to all persons applying for the same, on payment of a price for each copy after the rate contained in the table number 1 of the Schedule B. hereto annexed: Provided always, that if any person who may desire his name not to be inserted in such list shall intimate such desire in writing to the assessor, the assessor shall not insert in such list the name of such person.

III. Every person whose name shall have been omitted in any such list of voters for any burgh [county or division of a county], and who shall claim as having been entitled on the last day of *July* then next preceding to have his name inserted therein, and every person desirous of being registered for a different qualification than that for which his name appears in such list, shall on or before the twenty-fifth [first] day of *August* [September] in such year give a notice according to the form number 2 of the said Schedule A. or to the like effect to the assessor; and the assessor shall include or cause to be included the names of all persons claiming as aforesaid in lists arranged as aforesaid, according to the form number 3 of the said Schedule A., signed by him.

IV. In every year every person whose name shall have been inserted in any list of voters for any burgh [county or division of a county] may object to any other person as not having been entitled on the last day of *July* next preceding, to have his name inserted in any list of voters for such burgh [county or division of a county], and every person so objecting shall on or before the Twenty-fifth [first] day of *August* [September] in such year give or cause to be given to the assessor of such burgh [county or division of a county] a notice according to the form number 4 of the said Schedule A.

or to the like effect, and shall also on or before such twenty-fifth [first] day of *August* [September] give or cause to be given to the person so objected to, or leave or cause to be left at his place of abode as described in such list, a notice according to the form number 5 of the said Schedule A. or to the like effect, and every such notice of objection shall be signed by the person objecting as aforesaid.

V. The assessor shall, in every year, include the names of all persons so objected to in a list arranged as aforesaid according to the form number 6 of the said Schedule A., signed by him; and shall cause copies of the said list of persons objected to to be written or printed; and shall publish such list, and the said list of claimants as aforesaid, on or before the *first* [twenty-fifth] day of *September* in each year, by advertising in one or more newspapers circulating in the *burgh* [county or division of a county] the place at which copies of the said lists and the notices of claims and objections, will be open to perusal; and copies of the said lists, and also the notices of claims and objections which he shall have received, shall, unless when in use in the Registration Court in terms of this Act, be open to be perused by any person, without payment of any fee, at any time between the hours of ten o'clock in the forenoon and four o'clock in the afternoon of each day, except *Sunday, during the first fourteen days of September* [between the twenty-fifth day of September and first day of October] in the said year; and the assessor shall deliver copies of the said lists or either of them, to any person requiring the same, on payment of a price for each copy after the rate contained in the table number 1 of the said Schedule B.

Assessors to make up list of persons objected to; and to publish lists of claimants and persons objected to;

and all persons may have copies.

VI. On or before the *first* [twenty-fifth] of *September* in each year, the assessor shall deliver to the *town* [sheriff] clerk a copy of the said list of voters made out by him as aforesaid, and a copy of the said list of claimants, and a copy of the said list of persons objected to, all signed by him as aforesaid.

Assessors to deliver lists to town [sheriff] clerks.

VII. Where in any *burgh* [county or division of a county] there shall be more than one assessor in and for such *burgh* [county or division of a county], the magistrates of the *burgh* [commissioners of supply] shall, as soon as may be after the passing of this Act, and at latest within three weeks after the passing of the same, nominate and appoint one of such assessors to perform the duties imposed on the assessor under this Act, and also make public advertisement of such appointment in some one or more newspapers circulating in such *burgh* [county or division of a county]; and failing such appointment and advertisement being duly made, the same shall be made by the sheriff of the county within five weeks at latest after the passing of this Act; and every such assessor so appointed shall, from the date of his appointment, be specially charged with all the duties incumbent on the assessor under this Act; and on every occasion where in any *burgh* [county or division of a county] an assessor so appointed shall cease to hold office, the

Assessor to be nominated specially for this Act.

*magistrates* [commissioners of supply] shall, at latest within three weeks thereafter, appoint another assessor to act as aforesaid, and make public advertisement of such appointment as before mentioned; and in the event of such *magistrates* [commissioners of supply] failing to do so, such appointment and advertisement shall be made by the sheriff of the county, within five weeks at latest after the former assessor shall have ceased to hold office as aforesaid: Provided always, that all other assessors in such *burgh* [county or division of a county] shall, in all matters relating to this Act, be subject to the orders of the assessor so to be appointed, and shall take instructions from him, and shall be bound to act on such instructions, so far as consistent with this Act: Provided always, that if any *portion of a county* [burgh] shall for election purposes be included in any *burgh* [county or division of a county], the assessor of the *burgh* [county or division of a county] shall in relation thereto perform all the duties required by this Act, and the assessor of the *county* [burgh] shall be bound to afford the assessor of the *burgh* [county or division of a county] all reasonable access to the valuation roll of the *county* [burgh] for that purpose.

Assessors disqualified from voting.

VIII. Every assessor in any *burgh* [county or division of a county] shall, while he continues such assessor, be disqualified from being registered as a voter, and from voting or taking part in any election of a member to serve in Parliament for such *burgh* [county or division of a county], and also from voting or taking part in any municipal election within the burgh.

Provision as to service of notices.

IX. Whenever any notice is by this Act required to be given to the assessor, it shall be sufficient if such notice shall be delivered to him, or left, or sent to him by post, postage paid, at his place of abode, or at his place for transacting his official business; and wherever by this Act any notice is required to be given to any other person, it shall be sufficient if such notice be sent by the post, postage paid, addressed, with a sufficient direction, to the person to whom the same ought to be given, at his usual place of abode.

Advertisements under this Act.

X. In all cases where any notice is directed by this Act to be advertised in any newspaper, such advertisement shall be repeated in the same or some similar newspaper, not earlier than six and not later than eight days after the day on or before which such advertisement is herein required to be published.

Lists put up to be maintained;

XI. Where any document shall, pursuant to the provisions of this Act, be affixed on any place, the same shall continue so affixed for a period including two consecutive *Sundays* at the least next after the day of publication, and if removed or defaced within such period, shall be replaced by the person bound to give the notice.

if removed, &c., to be replaced.

Penalty for injuring lists put up.

XII. Every person who shall wilfully mutilate or remove any document so affixed during such period shall for every such offence forfeit a sum not exceeding forty shillings, nor less than ten shillings, to any person who will sue for the same, to be recovered

in a summary manner before the sheriff of the county, or any two justices of the peace.

XIII. No list shall be invalidated by reason that it shall not have been advertised pursuant to this Act, or shall not have been affixed in the place, and for the full time, herein required for publication thereof; and the sheriff shall proceed to revise and adjudicate upon every such list, though not advertised or affixed as aforesaid: Provided always, that nothing herein contained shall be construed to exempt any assessor or other person acting in wilful or culpable neglect of any duty imposed upon him by this or the first-recited Act from any penalties thereby incurred.

*Lists not invalidated by deficient publication.*

XIV. No claim or objection to any claim shall be affected by any mistake, error, or omission committed by any public officer to whom claims or objections are appointed to be given in or transmitted.

*Errors of officers not to affect claims.*

XV. Where in any *burgh* [county or division of a county] any office upon the holder whereof duties are imposed by this Act shall become vacant, it shall be competent for the sheriff of the county, and he is hereby authorised and required, in the event it shall appear to him to be necessary or expedient in order to the carrying out of the purposes of this Act, to appoint a person to perform *ad interim* the duties of such office, in so far as imposed by or necessary for the purposes of this Act; and the person so to be appointed shall be charged with and perform such duties until such office be duly filled up, and shall be entitled to such reasonable remuneration therefor as may be fixed by such sheriff, with the approbation of the Lord Advocate; and such remuneration shall be payable in the like manner and out of the like funds as the salary or allowances of the office become vacant as aforesaid.

*Provision for filling up ad interim offices on which duties are imposed by this Act.*

XVI. Any person whose name shall be on any list of voters for the time being for any *burgh* [county or division of a county], or who shall have claimed to have his name inserted in any such list, may at any time between the hours of ten o'clock in the forenoon and four o'clock in the afternoon of each day, except *Sunday*, between the *sixteenth* [fifteenth] day of *August* [September] and the twenty-first day of *October*, inspect any valuation roll, and make extracts therefrom for any purpose relating to any claim or objection made or intended to be made by or against such person; and every officer having the custody thereof is hereby required to permit such inspection, and the making of such extracts, without payment of any fee.

*Valuation rolls to be open to inspection for the purposes of this Act.*

XVII. In all questions and proceedings under this or the recited Act, the valuation roll made up by the assessor in terms of the fourth section of the Act passed in the seventeenth and eighteenth years of Her present Majesty, chapter ninety-one, shall, from and after the fifteenth day of *August* in the year in which such roll shall be made up, and subject always to such alterations as may be afterwards made thereon in terms of said last-mentioned Act, be received

*Valuation roll to be prima facie evidence of matters stated therein.*

and taken as *prima facie* proof that the gross yearly rent or value of any subjects specified in such valuation roll is, and has been for the year from the fifteenth day of *May* in such year, of the amount set forth for the time in such valuation roll, and also as *prima facie* proof that the persons therein set forth as proprietors, tenants, and occupants respectively have, for the period to which such valuation applies, been such proprietors, tenants, and occupants respectively as therein stated: Provided always, that it shall be competent to prove to the satisfaction of any sheriff or court of appeal under this or the said first-recited Act, that any such subjects are or have been of a greater or of a less annual value than the value stated in such valuation roll: Provided further, that it shall be competent, in any appeal under this or the first-recited Act from any court of registration to any court of appeal, to refer to and found upon any valuation roll, notwithstanding that such valuation roll may not have been produced in such court of registration.

Town [sheriff]  
clerks to trans-  
mit abstracts of  
lists to sheriffs.

XVIII. Each town [sheriff] clerk shall, on the *first* [twenty-fifth] day of *September* in each year, or as soon thereafter as possible, transmit an abstract of the said several lists of claimants and lists of persons objected to in his *burgh* [county or division of a county], to the sheriff of the county, indicating the number of claims and objections to be disposed of by him in such *burgh* [county or division].

Sheriffs to hold  
courts for  
revising lists.

XIX. Every sheriff shall, between the *first* [twenty-fifth] day of *September* and the *first* [sixteenth] day of *October* in each year, revise the *register* [lists] of voters of the county [or division of a county] and the *lists of the several burghs thereof*, and for this purpose shall hold open courts during the said period as prescribed in the said recited Act; and shall, on or before the *first* [twenty-fifth] day of *September* in each year, or as soon thereafter as possible, deliver to the sheriff-clerk of the county and to the town clerk of each such *burgh* a written notice of the days, within the period above mentioned, on which he is to hold such courts; and such town [sheriff] clerk shall forthwith cause public notice of such *burgh* [county] registration courts to be given by advertisement in one or more newspapers circulating within such *burgh* [county or division], and shall cause a copy of such notice, written or printed, to be delivered to the assessors of such *burgh* [county or division], and shall require them to attend at the courts therein appointed for the revision of such lists of voters.

Town [sheriff]  
clerks, &c., to  
attend burgh  
[county] regis-  
tration courts,  
and produce  
lists, valuation  
rolls, &c.

XX. The town [sheriff] clerk of every *burgh* [county], and all assessors of the same [or of any division of a county], shall attend the courts to be holden by the sheriff for such *burgh* [county or division]; and the town [sheriff] clerk shall, at the first court, deliver to the sheriff the list of voters; that is to say, the list first made out by such assessor, and the lists of claimants and of persons objected to in the then current year, relating to such *burgh* [county], and also, from and after the year one thousand eight hundred and

fifty-six, one or more printed copies of the register of voters then in force; and the said assessors shall deliver to the sheriff the original notices of claim and objection; and the person having the custody of the valuation roll then in force shall have the same on the table of the registration court; and the *town* [sheriff] clerk had assessors respectively shall produce all documents, papers, and writings in their power touching any matter necessary for revising any list of voters; and every such sheriff shall have the power to require any person having the custody of any valuation roll to attend before him, and to produce the valuation roll, and he shall attend and produce accordingly.

XXI. If any person who shall have given to the assessor due notice of his claim to have his name inserted in the list of persons entitled to vote in the election of a member to serve in Parliament for such *burgh* [county or division of a county] shall have been omitted by such assessor from such list, the sheriff shall, on the revision of such list, insert therein the name of the person so omitted, in case it shall be proved to the satisfaction of such sheriff that such person is, and was on the last day of July last preceding, entitled to be inserted therein, in respect of the qualification described in such notice of claim.

Claimants omitted in lists may be enrolled by sheriff.

XXII. It shall be lawful for any person whose name shall be on any list of voters for any *burgh* [county or division of a county] to oppose the claim of any person to have his name inserted in the list of voters for the same *burgh* [county or division]; and such person intending to oppose any such claim shall, in the court to be holden as aforesaid for the revision of such list, and before the hearing of the said claim, give notice in writing to the sheriff of his intention to oppose the said claim, and shall thereupon be admitted to oppose the same, by evidence or otherwise, without any previous or other notice, and shall have the same rights, powers, and liabilities, as to costs, appeals, and other matters relating to the hearing and determination of the said claim, as any person who shall have duly objected to the name of any other person being retained on any list of voters, and who shall appear and prove the requisite notices in terms of this Act.

But claims omitted may be objected to.

XXIII. The sheriff shall correct any mistake which shall be proved to him to have been made in any list, and shall expunge the name of every person whose qualification, as stated in any list, shall be insufficient in law to entitle such person to vote, and also the name of every person who shall be proved to him to be dead; and if in entering the name and qualification of any voter anything requiring to be specified be omitted, or if any description be insufficient for identification, such sheriff shall expunge the name of every person so entered, unless the matter so omitted or insufficiently described be supplied to his satisfaction before he shall have completed the revision of the list; and such sheriff shall in open court write his initials against the names respectively expunged or inserted, and against any part of the said lists in which any mistake

Sheriffs to revise and correct lists.

shall have been corrected, or any omission supplied, or any insertion made by him.

Sheriffs may grant warrant to cite parties, witnesses, and havers, and diligence for recovery of writings.

XXIV. It shall at all times be competent to any sheriff or to any sheriff-substitute acting under the first-recited Act or this Act, upon *ex parte* application made to him to that effect, by any claimant, objector, or appellant, to grant warrant to cite parties, witnesses, and havers, and to grant diligence for the recovery of writings with reference to any claim, objection, or appeal to be discussed before any registration court to be holden by such sheriff, or his substitute, or before any court of appeal; . . . and such warrants of citation and diligence shall be equally valid as if granted by such sheriff or sheriff-substitute in the course of any ordinary or summary process or procedure before him; and shall be valid notwithstanding that the appeal court to which such citation or diligence refers be holden without the limits of the ordinary jurisdiction of such sheriff.

Sheriffs may adjourn registration courts, but to conclude business by 30th September [15th October] annually.

XXV. Every sheriff holding any court under this or the first-recited Act shall have power to adjourn the same from time to time, but so that no such adjourned court shall be holden after the *thirtieth* [fifteenth] day of *September* [October] in any year; and, at all courts, . . . any sheriff holding such court, . . . shall have power to administer an oath to all persons examined before such court; and all parties, whether claiming or objecting or objected to, and all persons whatsoever, may be examined upon oath touching the matters in question; and every person taking any oath under this or the first-recited Act, who shall wilfully swear falsely, shall be deemed guilty of perjury, and shall be liable to be punished accordingly.

On completion of business of registration courts, lists of voters to be delivered to town [sheriff] clerk for production at appeal courts.

XXVI. On the revision of the list of voters for any *burgh* [county or division of a county] in any year being completed by the sheriff in terms of this Act, such sheriff shall forthwith, and at latest on the *first* [sixteenth] day of *October* in such year, deliver the same to the *town* [sheriff] clerk of such *burgh* [county or division]; and such *town* [sheriff] clerk shall retain the same in his possession, and produce the same to the court of appeal established with reference to such sheriff. . . .

\* \* \* \* \*

Town [sheriff] clerks, &c., to attend appeal courts.

XXVIII. All *town* [sheriff] clerks, assessors, and other persons bound to give attendance or make productions before any sheriff in terms of this Act shall be bound to give the like attendance, and to make the like productions, in each year, before the court of appeal reviewing the judgments of such sheriff. . . .

Town [sheriff] clerks to cause burgh [county] lists to be printed, and to authenticate them.

XXIX. The *town* [sheriff] clerk of every *burgh* [county] shall forthwith, after the *thirtieth* [fifteenth] day of *September* [October] in each year, or sooner if the registration court shall be earlier concluded, cause the lists of voters for such *burgh* [county or any division of such county], signed as aforesaid, to be copied and printed in a book, arranged in *wards* [parishes] (*where the burgh is*

*divided into wards*) and in polling districts; each *ward* [parish] or polling district being arranged, as far as conveniently may be, in the alphabetical order of the surnames of the persons registered as voters, or otherwise, as far as conveniently may be, in the alphabetical order of streets, squares, lanes, and other places in which houses are distinguished by numbers, and in which the subjects of qualification are situated; and each such street, square, lane, and other place being arranged according to the numbers of the houses; and the arrangement in all places in which the houses are not distinguished by numbers being according to the alphabetical order of the surnames of persons registered as voters; and the said book shall be so arranged and printed that the list of voters of and for each and every *separate ward* [parish], and each and every separate polling district, may be cut out or detached, and ready for the purposes of this Act, or for sale as aforesaid; and the said *town* [sheriff] clerk shall forthwith, after the twenty-first day of October in each year, make all such corrections and alterations on the said book as may be necessary to give effect to all decisions of the court of appeal, and [Rep., 31 & 32 Vict. c. 48, § 20] shall prefix to every name in the said register book its proper number, beginning the numbers from the first name, and continuing them in a regular series down to the last name; and shall cause the said book to be printed off as so corrected; and the said *town* [sheriff] clerk shall sign the said book so completed, and deliver the same, on or before the thirty-first day of *October*, to the sheriff of the county, to be by him kept for the purposes hereinafter and in the said first-recited Act mentioned.

XXX. The said printed book or books, so signed as aforesaid by the *town* [sheriff] clerk of any *burgh* [county or division of a county], and delivered to the sheriff, shall be the register of persons entitled to vote at any election of a member to serve in Parliament which shall take place in and for the same *burgh* [county or division of a county] between the thirty-first day of *October* in the year wherein such register shall have been made and the first day of *November* in the succeeding year; and the *town* [sheriff] clerk of every *burgh* [county] shall keep printed copies of such register for such *burgh* [county or for any division of such county], and shall deliver copies thereof, or of any part thereof, to any person applying for the same, upon payment of a price after the rate contained in the Table Number 2 of the Schedule B. hereunto annexed: Provided always that no person shall be entitled to a copy of any part of any register relating to any *ward* [parish] or polling district of a *burgh* [county or division of a county], without taking or paying for the whole that relates to such *ward* [parish] or polling district respectively; . . . provided further, that any merely clerical error which may be found to exist in any such printed book may be competently corrected at any time by the sheriff of the county on its being proved to him to exist; and such correction shall be made by the sheriff writing such correction on

Lists so printed  
to be the register  
of voters.



CXX BURGH REGISTRATION ADAPTED TO COUNTIES. [APPEN.

such printed book, and signing his name and the date of such correction against the same.

Register of voters to be in force till new register established.

XXXI. Every register of voters established or that shall be established for any *burgh* [county or division of a county] shall continue to be the register for such *burgh* [county or division of a county] until the same shall be revised, and a new register shall be completed, pursuant to this Act.

*Burgh* [county] registers under this Act to come in place of registers established by 2 & 3 W. IV. c. 65.

XXXII. The register of voters in any *burgh* [county or division of a county] as completed by the court of appeal in each year shall, for all the purposes of the Act passed in the third and fourth years of King *William* the Fourth, chapter seventy-six, and for all other purposes, come in place of the register of voters in such *burgh* [any burgh in such county or division of a county which, by the operation of the Redistribution of Seats Act, 1885, has ceased to return or to contribute to return a member to Parliament] established by the first-recited Act; and so much of the said recited Act of the third and fourth *William* Fourth as enacts that the town clerk of each *burgh* shall, on or before the sixteenth of *September* in each year, make up and complete the list or roll of persons entitled to vote in the election of the common council of the burgh, is hereby repealed [Rep., Stat. Law Rev. Act, 1875], and the said list or roll shall be made up and completed on or before the thirty-first day of *October* in all future years. \* \* \* \*

How distances to be measured.

XXXIV. The distance of seven statute miles in the first-recited Act mentioned, and therein prescribed, as to the residence of voters for any burgh, shall be understood to be the distance of seven miles as measured in a straight line on the horizontal plane from any point from which such distance is to be measured according to the direction in that behalf given in the said Act: Provided always, that in cases where there is now or shall hereafter be a map of any burgh and of the county surrounding the same, drawn or published under the authority and direction of the principal officers of Her Majesty's Ordnance, such distance may be measured and determined by the said map.

When a Sunday is last-named day, the day after to be the last day.

XXXV. When any of the days on which or before which any acts and proceedings are by this or the first-recited Act appointed to be transacted shall happen to be a *Sunday*, then and in that case the several acts and proceedings appointed to take place on or before such day shall take place on or before the day next ensuing.

Agents and mandatories may act for party.

XXXVI. Any claim, objection, notice of appeal, or other writ may be signed, and any proceedings under this Act may be prosecuted, by any person as agent or mandatory for the party thereto; and any mandate bearing to be signed by such party shall be *prima facie* a sufficient mandate; and every such mandate shall have all the privileges attaching to any judicial mandate.

No written pleadings to be allowed in registration courts.

XXXVII. No written pleadings shall in any case be allowed in support of any claim or objection or title to be registered; and it shall not be necessary for the sheriff to make a note of any state-

<sup>1</sup> This section does not apply to counties.

ment or plea submitted to him in the registration court, but he shall make a note of the names of the witnesses, and shall affix his signature to any deeds, writings, or documents produced in the registration court in support of any claim, objection, or title to be registered; and it shall not be competent to adduce in the appeal court any witnesses not named in said note, or to produce any deeds, writings, or documents to which the signature of the sheriff is not affixed.

XXXVIII. Any person who shall wilfully refuse or neglect, when duly required by any sheriff or court of appeal, to attend as a witness or a haver before such sheriff or court of appeal at any court to be holden under this or the first-recited Act, shall be liable to pay, by way of fine, for every such offence, a sum of money not exceeding five pounds nor less than twenty shillings, to be imposed by and at the discretion of such sheriff or court of appeal.

Penalty on persons not attending registration courts when required.

XXXIX. It shall be competent to every sheriff, subject to the review of the appeal court, and to every appeal court under this Act, to award expenses against any party maintaining any merely frivolous objection to the registration of any voter, or to his title to remain on the register; and such expenses may be recovered in like manner as any expenses of suit awarded by any sheriff in an ordinary action; and all witnesses and havers who may be cited as such, under the provisions of this Act, shall have the same title to demand from the party citing them or causing them to be cited, as such witnesses or havers, their reasonable expenses as any witness or haver cited as such to any ordinary civil court.

Sheriffs may award costs, and witnesses and havers to be paid their expenses.

XI. Any assessor who shall wilfully refuse or neglect to make out any list, or who shall wilfully neglect to insert therein the name of any person who shall have given due notice of claim, or who, in making out any list of voters, shall wilfully and without any reasonable cause, omit the name of any person duly qualified to be inserted in such list, or who shall wilfully, and without any reasonable cause, insert in such list the name of any person not duly qualified, or who shall wilfully refuse or neglect to publish any notice, or list, or copy of any register of voters, at the time and in the manner required by this Act; and any *town* [sheriff] clerk who shall culpably neglect to print a correct register of voters pursuant to this Act, and any assessor or *town* [sheriff] clerk who shall be wilfully guilty of any other breach of duty in the execution of this Act, shall for every such offence be liable to pay, by way of fine, a sum of money not exceeding five pounds nor less than twenty shillings, to be imposed by and at the discretion of the sheriff or court of appeal: Provided always, that nothing herein contained as to any fine as aforesaid shall affect or abridge any right of action against any assessor or other person liable to any fine as aforesaid, or any liability such assessor or other person may incur under or by virtue of this or the first-recited Act.

Penalties on assessors and others for neglect of duty.

XLI. Every sheriff and court of appeal, when and so often as such sheriff or court of appeal shall impose any such fine as

Penalties to be applied for the purposes of this Act.

aforesaid, shall at the same time in open court, by an order in writing stating the sum payable for such fine, direct by and to whom and when the same shall be paid; and the person to whom the said sum shall be so ordered to be paid shall receive the same; and in every case where the offence for which such fine shall have been imposed shall relate to the formation of the register of voters for any *burgh* [county or division of a county] he shall pay over the sum so received by him to the assessor for the purposes of this Act.

Accounts to  
be kept of  
monies received  
under this Act.

XLII. The *town* [sheriff] clerk of every *burgh* [county] shall keep an account of all monies received by him for or on account of the sale of any copies of the register as aforesaid, or otherwise under this Act, and shall account for and pay over the same to the assessor for the purposes of this Act; and in like manner every assessor shall keep an account of the monies received by him from the sale of any lists or otherwise under this Act, and shall account for and pay over the same, for the purposes of this Act, to the assessor specially appointed as aforesaid.

Expenses of  
annual registra-  
tions, how  
to be defrayed.

XLIII. As soon as it may be after the completion of each annual registration under this Act, the *magistrates* [commissioners of supply] of each *burgh* [county] shall cause an account to be made up of the costs and expenses attending such annual registration in such *burgh* [county, or in the divisions of such county], and shall ascertain and fix the just amount thereof, including therein any remuneration to assessors *and town clerks respectively*, which they may deem proper; and shall also cause an account to be made up of all monies which shall have come to the hands of the assessor or other person under this Act, for the purposes of this Act, and shall ascertain and fix the just amount thereof; and where the amount of the costs and expenses so ascertained and fixed shall exceed the amount so ascertained and fixed of the monies received for the purposes of this Act, the said *magistrates* [commissioners] shall cause the amount of such excess *to be apportioned upon the parishes within such burgh* [to be assessed and levied on the lands and heritages within such county] according to the yearly rent or value thereof, and the same shall be *assessed and levied along with the assessment for the relief of the poor for the current year within such parishes respectively* [collected along with any county rate for the current year], or they shall cause the amount of such excess, along with such reasonable sum as they may deem necessary to meet the expenses of collection, to be assessed and levied and collected in some other of the modes allowed by the said Act passed in the seventeenth and eighteenth years of Her present Majesty, chapter ninety-one; and any balance of funds remaining on hand from time to time in any burgh arising from such assessment under this Act, in any one year, after answering the expenses of the year with reference to which such assessment was imposed, may be retained and applied by the *magistrates* [commissioners of supply] thereof, in such manner as they may deem fit, for defraying the expenses of registrations under this Act in subsequent years, but

for no other uses or purposes whatever: Provided always, that no *burgh* [county] shall be liable under this Act for any expenses heretofore defrayed in exchequer, or which, under the provisions of this Act, may come in lieu of such expenses.

XLIV. At every future election for a member or members to serve in Parliament for any *burgh* [county] or *district* [division] of *burghs* [county], the register of voters so made as aforesaid or under the said recited Act, shall be deemed and taken to be conclusive evidence that the persons therein named continue to have the qualifications which are annexed to their names respectively in the register in force at such election, and such persons shall not be required to take the oath of possession. Register to be conclusive evidence of qualification.

XLV. Every sheriff, *town* [sheriff] clerk, assessor, or other person or public officer required by this Act to do any matter or thing, shall, for every wilful contravention or wilful act of commission or omission contrary to this Act, forfeit to any party aggrieved the penal sum of one hundred pounds, or such less sum as the jury before whom may be tried any action to be brought for the recovery of the before-mentioned sum shall consider just to be paid to such party, to be recovered by such party, with full expenses of process, by action for debt before the Court of Session: Provided always, that nothing herein contained shall be construed to supersede any remedy or action against any returning officer, according to any law now in force. Penalty on persons wilfully contravening this Act.

XLVI. No misnomer or inaccurate or defective description of any person, place, or thing named or described in any schedule to this Act annexed, or in any list or register of voters, or in any notice required by this Act, shall in any way prevent or abridge the operation of this Act with respect to such person, place, or thing; provided that such person, place, or thing shall be so denominated in such schedule, list, register, or notice, as to be commonly understood; and it shall be lawful to any sheriff, in his registration court, or to any court of appeal, if it shall appear to him or to such court that there has been no wilful purpose to mislead or deceive, or that such misnomer or inaccurate or defective description was not such as to mislead or deceive, to allow any verbal, clerical, or casual error in any such schedule, list, register, or notice to be corrected or supplied. Misnomer not to vitiate.

\* \* \* \* \*

XLVIII. The following words and expressions, when used in this Act, shall, in the construction thereof, be interpreted as follows, except when the nature of the provision or the context shall exclude or be repugnant to the said construction; (that is to say,) the expression 'the assessor' shall mean the assessor of the *burgh* [county or division of a county] in and for which he is assessor, appointed under the aforesaid Act of the seventeenth and eighteenth years of Her present Majesty, being also the assessor specially appointed in terms of this Act, where such last-mentioned appointment has been made; the word 'assessors' shall mean the assessor Interpretation of terms.

CXXIV BURGH REGISTRATION ADAPTED TO COUNTIES. [APPEN.

or assessors appointed under the said last-mentioned Act of the *burgh* [county or division of a county] in and for which such assessor or assessors act, whether specially appointed under this Act or not; the word 'burgh' shall extend to and include any city, burgh, or town entitled as such by the first-recited Act to send or to contribute to send a member or members to serve in Parliament and as the same is limited and bounded by the said first-recited Act; the word 'magistrates' shall include magistrates and council; the words 'oath of possession' shall mean and include the words, 'That I am still proprietor (or occupant) of the property for which I am so registered, and hold the same for my own benefit and not in trust for or at the pleasure of any other person;' the words '*town* [sheriff] clerk,' shall extend and apply to any person executing the duties of such *town* [sheriff] clerk, or if in any *burgh* [county] there shall be no such officer as *town* [sheriff] clerk, then to any officer executing the same or the like duties as usually devolve upon the *town* [sheriff] clerk, or if in any *burgh* [county] there be no such person, then to such person as the sheriff of the county *in which such burgh is situate* may appoint for that purpose, which he is hereby authorised to do.

SCHEDULES to which the foregoing Act refers.

SCHEDULE A.

No. 1.

*The List of Persons entitled to vote in the Election of a Member (or Members) for the burgh [County or Division of County] of*

First Polling District.

*Second Ward* [Parish of            ].

*Regent Street.*

No. of Street.	Christian Name and Surname of each Voter at full length.	Occupation.	Place of Abode.	Nature of Qualification.

Alphabetical List.

Christian Name and Surname of each Voter at full length.	Place of Abode.	Occupation.	Nature of Qualification.	Street, Lane, or other Place where Property is situate.

(Signed)     A.B.

Assessor of the *Burgh* [County or     Division of County] of

No. 2.

*Forms of Notice of Claim to be given to Assessors.*

To the Assessor of the *Burgh* [County or     Division of County] of

I hereby give you notice, that I claim to have my name inserted in the list of persons entitled to vote in the election of a Member (or Members) for the *burgh* [county or     division of county] of , and that the particulars of my qualification are stated in the columns below.

Dated the     day of     in the year 185 .  
(Signed)     C.D.

Christian Name and Surname of Claimant at full Length.	Place of Abode.	Occupation.	Nature of Qualification.	Street, Lane, or other Place where the Property is situate, and Number of the House (if any).

cxxvi BURGH REGISTRATION ADAPTED TO COUNTIES. [APPEN.

No. 3.

*Burgh* [county or division of county] of  
List of Persons claiming to have their names inserted in the List  
of Persons entitled to vote in the Election of a Member (*or* Mem-  
bers) of Parliament for the *Burgh* [County or Division of  
County] of

First Polling District.

*Second Ward* [Parish of ]

*Regent Street.*

No. of Street.	Christian Name and Surname of each Voter at full Length.	Occupation.	Place of Abode.	Nature of the supposed Qualification.

Alphabetical List.

Christian Name and Surname of each Claimant at full Length.	Place of Abode.	Occupation.	Nature of Qualification.	Street, Lane, or other Place where Property is situate.

(Signed) *A.B.*  
Assessor of the *Burgh* [County or Division of County] of

No. 4.

*Form of Notice of Objection to be given to Assessors.*

To the Assessor of the *burgh* [county or division of  
county] of

I hereby give you notice, that I object to the name of *A.B.*,  
who is described as follows (*here insert the entry applicable to such*

*person in the assessor's list of voters*), being retained in the list of persons entitled to vote in the election of a Member (*or* Members) for the *burgh* [county or division of county] of

Dated this            day of            , 185 .

(Signed) *E.F.*

(Place of abode.)

#### No. 5.

*Form of Notice of Objection to be given to Parties objected to.*

*Burgh* [county or division of county] of

To Mr.

Take notice, that I object to your name being retained on the list of persons entitled to vote in the election of Members (*or* a Member) for the *burgh* [county or division of county] of

Dated this            day of            , 185 .

(Signed) *E.F.*

(Place of abode.)

#### No. 6.

*List of Persons objected to, to be published by the Assessors.*

*Burgh* [county or division of county] of

The following persons have been objected to as not being entitled to have their names retained in the list of persons qualified to vote in the election of a Member (*or* Members) for the *burgh* [county or division of county] of

First Polling District.

*Second Ward* [Parish of            ].

*Regent Street.*

No. of Street.	Christian Name and Surname of each Person objected to.	Place of Abode.	Occupation.	Nature of the supposed Qualification.



Alphabetical List.

Christian Name and Surname of each Person objected to.	Place of Abode.	Occupation.	Nature of the supposed Qualification.	Street, Lane, or other Property where the Place is situate.

(Signed) A.B.  
Assessor of the burgh [county or division of county] of

SCHEDULE B.

No. 1.

*Table of Rates of Payment to be demanded and paid for any List, or Copy of a List (other than a Register), where a Payment is required and authorised by this Act.<sup>1</sup>*

For any list, or copy of a list, containing any number of persons' names:—

	s.	d.
Not exceeding 100 names, . . . . .	0	6
Exceeding 100 and not exceeding 200, . . . . .	1	0
Exceeding 200 and not exceeding 300, . . . . .	1	6
Exceeding 300 and not exceeding 400, . . . . .	2	0
Exceeding 400, . . . . .	2	6

No. 2.

*Table of Rates of Payment to be demanded and paid for any Copy of a Register, or Part of any Register, where a Payment is required and authorised by this Act.*

For every copy of any register, or any parts of any register, containing any number of persons' names:—

	s.	d.
Not exceeding 1000 names, . . . . .	1	0
Exceeding 1000 and not exceeding 3000, . . . . .	2	6
Exceeding 3000 and not exceeding 6000, . . . . .	5	0
Exceeding 6000 and not exceeding 9000, . . . . .	7	6
Exceeding 9000, . . . . .	10	0

<sup>1</sup> As to rates to be paid when list contains above 5000 names, *vide* Representation of the People (Scotland) Act, 1868, § 19 (5).

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DIGEST OF THE DECISIONS  
OF THE  
REGISTRATION APPEAL COURT  
UNDER  
THE REPRESENTATION OF THE PEOPLE  
(SCOTLAND) ACTS

FROM 4TH NOVEMBER, 1879, TO 3RD NOVEMBER, 1884.

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THIS Digest, prepared from the reports in the current series of the Court of Session Cases, contains the decisions of the Registration Appeal Court since the publication in 1879 of the Second Edition of Nicolson's Law of Election and Registration in Scotland. It is arranged so as to be readily available to those using the larger work.

## DIGEST OF DECISIONS.

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### I.—QUESTIONS AS TO DISQUALIFICATIONS.

CAMPBELL *v.* RICHARDSON, 12th Nov. 1879, 7 R. 32.

(*See* Nicolson, 22.)

ARTHUR CAMPBELL, jun., was entered on the assessor's list for Midlothian as joint-proprietor of certain subjects. He was under age when the list was made up on 25th August, but came of age on 26th September, some days before the Sheriff held his Registration Court. The Sheriff rejected his claim to be registered. On appeal the Court held that, as the claimant was 'of full age when the Sheriff came to 'consider his right' to be entered on the register, he was entitled to be enrolled under § 5 of the Reform Act, 1868.

DAVIDSON *v.* CANNON, 13th Nov. 1879, 7 R. 41.

(*See* Nicolson, 26.)

A person registered as tenant of a dwelling-house in Whithorn had received no parochial relief before 9th August, 1879, on which day he received relief. When the Sheriff came to consider his right to be retained on the register, he disallowed it. On appeal, the Court held that under § 3 of the Reform Act, 1868, he was entitled to be retained on the roll, not having been 'in the receipt of parochial relief within 'the twelve calendar months next preceding the last day of July,' 1879.

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### II.—QUESTIONS AS TO OWNERS AND JOINT-OWNERS.

HUNTER *v.* BALLANTINE, 4th Nov. 1879, 7 R. 2.

(*See* Nicolson, 59.)

Ballantine was proprietor of a studio and garden in South Ayrshire. In the valuation roll for 1878-79 the subjects were entered as of the yearly value of £12, subject to a feu-duty of £4, 16s. On 1st February, 1879, the studio was burned down, but it was immedi-

ately rebuilt, the roof being completed by 1st April, 1879. In the valuation roll for 1879-80 the subjects were valued at £20. The garden by itself was not of the value of £5. Ballantine having claimed to be enrolled as owner, it was objected that the subjects were not, throughout the six months prior to 31st July, 1879, of sufficient value to afford a qualification. The Court dismissed the objection, Lord Ormidale observing—‘From the date of the fire till ‘the building was restored, it is said there was not sufficient value left ‘to qualify. Every man, however, who has house property is subject ‘to the risk of fire, but so long as he does not lose the title, especially ‘if, as here, he at once restores the subject, he does not appear to me ‘to lose his right to a vote.’

**SKEETE v. STEWART**, 7th Nov. 1879, 7 R. 12.

(See Nicolson, 33, 41, 67.)

Daniel Stewart disposed his house and land to James Campbell by an *ex facie* absolute disposition. Objection being taken to his remaining on the Perthshire roll, the Sheriff allowed Campbell to give evidence at the Registration Court to the effect that the disposition was truly in security of a debt, and thereupon sustained Stewart’s right to be registered. On appeal the Court held that parole evidence to qualify the *ex facie* absolute disposition was incompetent, and, therefore, that Stewart’s name must be expunged from the roll.

**SKEETE v. TURNBULL**, 7th Nov. 1879, 7 R. 14.

(See Nicolson, 69.)

Turnbull claimed in 1879 to be enrolled for Perthshire as owner of subjects of the annual value of £6, 15s. In support of the claim there were produced—(1) a feu-charter, dated 26th June, 1879, from the superior conveying them to the claimant, with entry at Whitsunday, 1876; (2) an unstamped letter, dated 30th March, 1876, from the superior accepting an offer for the said subjects; and (3) a stamped receipt for the feu-duty from Whitsunday, 1876. The Court rejected the claim on the ground that down to a date within the statutory six months, the claimant had no writing sufficient to instruct a qualification.

**MITCHELL v. HALLEY**, 7th Nov. 1879, 7 R. 11.

(See Nicolson, 39.)

The Court, affirming the judgment of the Sheriff of Perthshire, held that the mere election and appointment of a minister under the Act 37 & 38 Vict. c. 82 does not, before induction by the Presbytery, make him proprietor of the manse and glebe in right of his office, to the effect of entitling him to be enrolled as a voter under § 7 of the Reform Act, 1832.

SKERRET v. BUCHANAN, 8th Nov. 1879, 7 R. 15.

(See Nicolson, 31, 69, 71.)

An entailed proprietor propelled the fee of part of the estate to his eldest son, who was thereupon entered on the assessor's list as proprietor of the subjects propelled. The Sheriff decided that he was entitled to be registered, and the Court dismissed an appeal, holding that there was no evidence that the propulsion was contrary to the provisions of the entail or ineffectual as a conveyance of the part of the entailed estate. Lords Ormidale and Craighill were also of opinion that it was *jus tertii* for anyone but an heir of entail to object to the validity of the propulsion.

BELL v. DONALDSON, 12th Nov. 1879, 7 R. 34.

(See Nicolson, 68.)

Bell claimed to be enrolled for Dumbartonshire as proprietor of a house which had been allocated to him by a building society of which he was a member. By minute of agreement between Bell and the society, it was agreed that he should purchase the house at a price to be paid by instalments within twenty-one years, in terms of the rules of the society. In the 26th rule, it was provided, *inter alia*, 'Until the rent charge of each house allotted has been paid . . . the allottee shall have no right of property therein except as after-mentioned. . . . It shall be in the power of the allottee who has paid one-half of the rent charge of his house to demand from the society a formal disposition thereof' in his favour, on granting a bond for the balance to the society. Bell had not paid one-half of the rent charge of his house. The Court rejected the claim, holding that the condition referred to in the 26th rule was a suspensive condition, and that until it was satisfied the claimant had no right of property in his house.

ALEXANDER v. DONALDSON, 12th Nov. 1879, 7 R. 36.

(See Nicolson, 68.)

The circumstances of this case were similar to those in the preceding case, with this exception, that Alexander, the claimant, had paid one-half of the rent charge of his house, but had not granted a bond for the balance to the society, nor demanded from them a formal disposition of the house in his favour. The Court (Lord Ormidale dissenting) held that the suspensive conditions in the 26th rule had not been fully satisfied, and that, therefore, the claimant was not entitled to be enrolled as proprietor.

ANDERSON v. OVENS, 14th Nov. 1879, 7 R. 42.

(See Nicolson, 32.)

Under a trust deed the trustees were directed 'to convert into cash, collect, recover, and realise the whole trust estate,' as soon as the youngest of the truster's children attained majority. They were also 'empowered and authorised' to sell such part of the estate as might require to be sold in order to carry out the trust purposes. The beneficiaries were the truster's sons, all of whom had attained majority. The heritable estate was of sufficient value to qualify each of the sons, and none of it had been sold. The Sheriff of Midlothian held that all the sons were entitled to be registered as joint-proprietors. On appeal the Court (Lord Ormidale dissenting) ordered the names of the claimants to be expunged from the roll, on the ground that their right as beneficiaries was moveable and not heritable, and that they were not, therefore, joint-proprietors of lands and heritages entitling them to a vote.

WILKIE v. ADAIR, 16th Nov. 1879, 7 R. 49.

(See Nicolson, 56.)

A school board were liable in a yearly tack-duty of £2 in respect of a school and schoolmaster's house. In the column of the valuation roll headed 'feu-duties or ground-annuals,' no entry was made in respect of the schoolmaster's house, the whole tack-duty being entered opposite the school. The value of the schoolmaster's house was £5. It was objected to the teacher's claim to be enrolled in Wigtownshire, that if a proportion of the *cumulo* tack-duty were, under § 5 of the Reform Act, 1868, deducted from the value of his house, it would be insufficient to yield a qualification as owner. The Sheriff-substitute sustained the objection. On appeal the Court reversed, holding that no part of the tack-duty in the special circumstances fell to be deducted from the value of the house as stated in the valuation roll; but reserving the question as to the competency of getting behind entries in that roll.

ANDERSON v. NIVEN, 8th Nov. 1880, 8 R. 4.

(See Nicolson, 32.)

Dr. Niven and two others were the beneficiaries under a trust-deed conveying heritable and moveable property, the value of the former being £76 per annum, subject to a feu-duty of £5, and of the latter, £1300. The trustees were infert. Under the trust one-fifth of the whole estate was to be paid over to Dr. Niven, and he was likewise to receive the income of other shares as they fell in. At the date of the Registration Court he was entitled to seven-fifteenths of the income of the whole estate. The trust-deed contained no direction to convert, but it contained a power of sale which the trustees had not



exercised. The Sheriff of Midlothian admitted Dr. Niven to the roll as joint-proprietor; and the Court, on appeal, sustained his judgment on the ground that the claimant had a heritable right or interest of the requisite value under the trust-deed.

BLACKWOOD *v.* THOMSON, 14th Nov. 1881, 9 R. 6.

(*See* Nicolson, 67, 68, 69.)

Thomson claimed to be enrolled for Peeblesshire as proprietor of certain subjects. The disposition in his favour was dated 11th March, 1881, within the statutory six months prior to 31st July of that year, but it bore that the disponee's entry had been at Whitsunday, 1880. He also produced an undated receipt for the half-year's feu-duty payable at Martinmas, 1880, and a receipt, dated 23rd May, 1881, for the half-year's feu-duty, payable at Whitsunday, 1881. Thomson had been in possession since the declared term of entry. The Sheriff admitted a claim to be enrolled as owner; but on appeal the Court reversed, holding that the claimant had failed to instruct, as he was bound to do, under §7 of the Reform Act, 1832, 'a written title for 'the whole six months.'

HOWDEN *v.* BLACKWOOD, 14th Nov. 1881, 9 R. 1.

(*See* Nicolson, 68; *Rutherford v. Sandemans*, 22nd Nov. 1883, 11 R. 171.)

Howden was one of several persons who, having feued certain building stances (each one), obtained advances from a building society to enable them to build, and agreed that the title to the whole property should be taken in the name of the trustees of the society. The title having been so taken, the trustees gave a back letter to Howden binding themselves to grant a conveyance in his favour to his stance and the buildings thereon on repayment of the advances made by the society to him; 'but failing such payment,' the subjects were to be held by the trustees for behoof of the society. The advances were not repaid, and no conveyance had been granted by the trustees to Howden. The Court held that he was not entitled to be enrolled for Peeblesshire as owner of the subjects on which he claimed, on the ground that he had no title of ownership therein.

BLACKWOOD *v.* RUICKBIE, 14th Nov. 1881, 9 R. 8.

(*See* Nicolson, 68, 69.)

Ruickbie claimed as owner of certain subjects in Peeblesshire which he had acquired by unstamped missives of sale dated 31st December, 1880, more than six months before 31st July, 1881. Ruickbie's author did not complete his title till 11th March, 1881. On 15th April, 1881, Ruickbie obtained from him a duly-stamped disposition of the subjects. The Court sustained the claim, holding—(1) that the

QUESTIONS AS TO OWNERS AND JOINT-OWNERS. cxxxvii

stamped disposition having satisfied the requisites of the Stamp Acts, the unstamped missives might be looked at as fixing the real date of the transaction; (2) that although an author's title is not completed till within the statutory six months, it immediately accretes to the disponee's title if it is dated beyond the six months; and (3) that, except in very special cases, it is not competent to raise questions as to the title of a claimant's author.

FORBES v. HALLEY, 13th Nov. 1882, 10 R. 4.

(See Nicolson, 36.)

In a marriage-contract, the wife's father bound himself to give his daughter during his life, exclusive of the *jus mariti* and right of administration of her husband, and after her death to the husband himself in the event of his surviving her, 'the free liferent, use, and 'possession, both natural and civil,' of certain lands; and he further bound himself to convey the lands at his own death to the marriage-contract trustees for the liferent use of his daughter, whom failing of her husband, and for the children of the marriage in fee. The assessor entered the husband on his list of voters as 'owner in right of 'wife.' Objection was taken that until the conveyance to the trustees took effect at the death of the wife's father, which event had not happened, all that the wife enjoyed was a mere right of use and occupation, not a liferent, and that, therefore, the husband was not entitled to be registered under §§ 7, 8 of the Reform Act, 1832, and § 14 of the Reform Act, 1868. The Sheriff-substitute of Perthshire sustained the objection. On appeal the Court reversed, and held that the wife was, even during her father's life, the liferenter of the property, and that her husband was entitled to be enrolled as owner in right of his wife.

BLACKWOOD v. FERGUSON, 6th Dec. 1882, 10 R. 6.

(See Nicolson, 58.)

Under § 5 of the Reform Act, 1868, a person is entitled to the ownership franchise in a county if he is 'the proprietor (whether he 'has made up his titles or is infeft or not) of lands and heritages, the 'yearly value of which, as appearing from the valuation roll of the 'county, shall be £5 or upwards, after deduction of any feu-duty, 'ground annual, or other annual consideration, which he may be 'bound to pay or give or account for as a condition of his right, and 'after deduction of any annuity, liferent provision, or such other 'annual burden.' Ferguson had obtained a disposition to his house and garden in Peeblesshire, under reservation of a sum of money which was declared to be a real burden thereon. His claim to be enrolled was objected to on the ground that the interest on the reserved sum was an annual consideration which he was bound to pay

as a condition of his right, and which therefore fell to be deducted from the yearly value of the subjects. If the deduction were made, it was admitted that the remaining value would be insufficient to afford a qualification. The Court dismissed the objection, on the ground that the interest on a real burden is substantially the interest on an heritable security, and its payment is not a condition of the proprietor's right to the subjects over which the real burden is reserved.

CAIRNS v. STEEDMAN, 3rd Nov. 1884, 12 R. 44.

(See Nicolson, 51, 98.)

By § 5 (4) of the Reform Act, 1832, it is provided that, in construing the descriptions of the boundaries of burghs under that Act, 'every building through which or through any part whereof any boundary hereby established shall pass, shall be considered as within such boundary.' By § 56 of the Reform Act, 1868, it is provided that 'subject to the provisions of this Act, all laws, customs, and enactments now in force conferring any right to vote, or otherwise relating to the representation of the people in Scotland, and the registration of persons entitled to vote, shall remain in full force, and shall apply, as nearly as circumstances admit, to any person hereby authorised to vote, and shall also apply to any constituency hereby authorised to return, or contribute to return, a member or members to Parliament, as if it had heretofore returned, or contributed to return, such members to Parliament and to the franchises hereby conferred, and to the registers of voters hereby required to be formed.' A claim having been made to be enrolled as a voter in Selkirkshire, in respect of the ownership of dwelling-houses through which the boundary between the county and the newly created burgh of Galashiels passed, the Court held that § 56 of the Reform Act, 1868, made applicable to Galashiels the rule above quoted contained in § 5 (4) of the Reform Act, 1832. They, therefore, held that the dwelling-houses claimed on were to be considered as wholly within the burgh boundary, and so were incapable of affording a qualification within the county.

JACK v. PATRICK, 3rd Nov. 1884, 12 R. 46.

(See Nicolson, 67, 68.)

Jack was a member of a building society, and having in May, 1883, paid the full price for the houses on which he claimed to be enrolled in South Lanarkshire, had had them allotted to him. No receipt was produced for the price, and no assignation had been obtained. Jack was entered on the valuation roll for 1883-84 and 1884-85 as proprietor of the houses. The Court held that he was not entitled to be enrolled, on the ground that he had produced no written title, although they would not require a complete or formal title.

### III.—QUESTIONS AS TO TENANTS, JOINT-TENANTS, AND INHABITANT OCCUPIERS.

CRAWFORD *v.* JOHNSTON, 4th Nov. 1879, 7 R. 3.

(*See* Nicolson, 49.)

Two brothers worked a farm in Stirlingshire along with their father, under a verbal agreement entered into between the father and the landlord that he and his sons should be jointly interested in the farm. The rent-receipts were made out in their joint names. There was no evidence that the sons received any part of the profits of the farm, and they paid no part of the expenses. The Court (*dub.* Lord Ormisdale) held that joint tenancy had been sufficiently instructed, and that the claimants were entitled to be enrolled.

KENNARD *v.* ALLAN, 4th Nov. 1879, 7 R. 1.

(*See* Nicolson, 113.)

Kennard was one of two partners of a manufacturing company carrying on business in Falkirk. They were also proprietors of a house in the burgh adjoining the works. Kennard had a house in London, where he and his family generally reside; but he had been in the regular habit for years of coming occasionally to Falkirk, and residing in the foresaid house, sometimes with his wife and family, and for as long as two months or thereby at a time. In 1879, Kennard had resided in the house for periods varying from two days to a fortnight, in January, February, March, May, July, and September; but he had not been accompanied on any of these occasions by his wife and family. The Court, with difficulty, rejected his claim to be registered as joint proprietor of subjects in the burgh of Falkirk.

DONALDSON *v.* ARROL AND OTHERS, 6th Nov. 1879, 7 R. 8.

(*See* Nicolson, 73.)

Arrol and three others, partners of the firm of Archibald Arrol & Sons, were in occupation of certain works in Stirlingshire during July, 1878, while the works were under repair. Prior to 31st July, 1878, the landlord made a return for the valuation roll, stating that the company were tenants of the works. On 14th August, 1878, a lease was executed in favour of one of the partners for behoof of the company, with entry at 1st July, 1878, but with the declaration 'that no rent shall be charged for the month of July, 1878, in respect that the tenant has not enjoyed possession of said works, plant, . . . and others during that month.' The partners having claimed as joint-tenants and occupants, the Court (Lord Craighill dissenting) sustained the claim, holding that in the circumstances they were to be regarded as having been in occupation as tenants from the declared term of entry, 1st July, 1878.

PATERSON v. JOHNSTON, 12th Nov. 1879, 7 R. 17.

(See Nicolson, 50, 60.)

Paterson was tenant of shootings in Stirlingshire. No house or land was included in the lease, and the lands were let to other tenants for agricultural purposes, under reservation of the game and right of shooting. The Court (Lord Ormidale dissenting) held—overruling the decision in *Dawson v. Watson*, 20th October, 1869, 8 M. 10—that shootings *per se*, and without the possession of any lodge, house, or land, afford a qualification to the tenant under § 6 of the Reform Act, 1868.

STEWART v. ADAIR, 13th Nov. 1879, 7 R. 39.

(See Nicolson, 145.)

Stewart had been on the roll for the burgh of Stranraer for nine years as 'tenant of dwelling-house.' He held the house as manager for a company under a minute of appointment, dated 2nd April, 1869, containing the words, 'It was agreed to appoint Mr. Peter Stewart at a salary of £ , with a house and other perquisites, the same as Mr. M'Pherson had, . . . on condition . . . that the directors shall be entitled to discontinue him by giving one month's notice, without cause assigned.' Macpherson, whose services were discontinued when Stewart was appointed, retained possession of the house till Whitsunday, 1869. The Court were of opinion that Stewart was entitled to be continued on the roll, the onus of proving that his tenure was immediately defeasible lying heavily on the objector in consequence of the number of years he had been on the roll, and that onus not having been fully discharged, in respect especially that the preceding manager retained possession of the house after ceasing to hold office.

CANNON v. M'KEAND, 14th Nov. 1879, 7 R. 41.

(See Nicolson, 103, 104, 171.)

M'Keand was tenant of one room, being part of a two-storey house in the burgh of Whithorn. Through a mistake of the assessor the room was not separately entered on the valuation roll in terms of § 15 of the Reform Act, 1868; and, as a consequence, M'Keand was not 'separately rated to the relief of the poor.' It was, therefore, objected to his claim to be enrolled, that the room occupied by him did not satisfy the definition of 'dwelling-house' contained in § 59 of the Act. In reply, reliance was placed on § 14 of the Burgh Voters Act, 1856, which provides that 'No claim or objection to any claim shall be affected by any mistake, error, or omission committed by any public officer to whom claims or objections are appointed to be given in or transmitted.' The Court rejected the claim, holding that § 14 of

the Burgh Voters Act was inapplicable, and that M'Keand was not entitled to be entered on the register as inhabitant-occupier of a dwelling-house, as separate rating was necessary under § 59 of the Reform Act, 1868.

M'GOWAN *v.* MATHER, 15th Nov. 1879, 7 R. 46.

(*See Nicolson, 44, 80, 152, 154.*)

William Mather was one of three partners who were joint-tenants of a farm in Dumfriesshire. His estates were sequestrated, and a trustee was appointed and confirmed. The lease contained a clause declaring that if the tenant became bankrupt the lease should, at the proprietor's option, become null and void. The trustee did not claim any interest in the lease, and the proprietor gave no intimation that the lease was cancelled. The Sheriff-substitute decided that Mather was entitled to remain on the roll. On appeal, the Court (Lord Craighill dissenting) reversed, holding that the partnership was dissolved and the tenancy suspended by the sequestration.

GAIRNS *v.* BLACKWOOD, 13th Nov. 1882, 10 R. 1.

(*See Nicolson, 49.*)

Testamentary trustees were directed to manage a farm in Peeblesshire, 'for the use and benefit of the younger children' of the truster. One of the younger sons, himself a trustee, resided on the farm and superintended it for the trustees. Having claimed to be enrolled as 'joint-tenant and occupier,' the Court rejected the claim, on the ground that the trustees and not the beneficiaries were substantially the tenants.

STRACHAN *v.* CLYDE, 13th Nov. 1882, 10 R. 2.

(*See Nicolson, 44.*)

The servant of a company occupied a house in the county of Linlithgow, which the company held under a lease which excluded assignees and subtenants, except with the written consent of the proprietor. There was no evidence that such consent had been given, or that the proprietor had acquiesced in the occupation by the servant. The Court, on the ground that 'not tenancy, but mere occupancy,' was all that was proved, directed the name to be expunged from the roll.

JOHNSTON *v.* GUILD, 3rd Nov. 1884, 12 R. 42.

(*See Nicolson, 97, 109.*)

Guild was on the roll for the burgh of North Berwick, as tenant and occupant of a subject described as 'part of farm.' Under § 11 of the Reform Act, 1832, it was necessary that the land claimed on, being within the burgh boundary, should be occupied in connection

with some 'building.' The only building on this part of the farm was a substantial wooden pig-sty, which 'might accommodate two full-grown pigs.' There had been no pig in it during the twelve months prior to 31st July, 1884. The Court without deciding whether the pig-sty could have been regarded as a 'building' within the meaning of § 11, directed that Guild's name should be expunged from the roll, on the ground that the case failed on the question of occupancy.

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#### IV.—QUESTION AS TO COMBINED QUALIFICATIONS.

GREIG v. MACCREATH, 6th Dec. 1882, 10 R. 11.

(See Nicolson, 73.)

MacCreath was tenant and occupant of certain subjects in Wigtownshire down to Whitsunday, 1882, at which term he became proprietor thereof. He claimed to be enrolled as 'proprietor and occupant, and 'tenant and occupant in succession.' The Court rejected his claim on the ground that it is not competent to combine occupancy as tenant with occupancy of the same subjects as owner in order to found a county qualification under §§ 5, 13, of the Reform Act, 1868.

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#### V.—QUESTIONS AS TO REGISTRATION.

MORRISON v. ANDERSON, 5th Nov. 1879, 7 R. 7.

(See Nicolson, 57, 66.)

Subjects capable of affording an ownership qualification in a county were improperly omitted by the assessor from the valuation roll. The Court (following *Blackwood v. Euman*, 19th Dec. 1868, 7 M. 328) held that it was competent for the proprietor to establish his claim to be enrolled by proving *aliunde* the existence and value of the subjects.

ALLAN v. SMITH, 5th Nov. 1879, 7 R. 6.

(See Nicolson, 149.)

Allan was tenant of subjects valued at £16 down to Whitsunday 1879. He then sublet part of them at a rent of £5, but at the same time he became tenant of another subject, which raised the rent payable by him to £29 in all. The assessor for South Lanarkshire continued him on the roll without his having lodged a fresh claim. The Court held (following *Livingstone v. Oman*, 2d November 1877, 5 R. 1) that Allan was not entitled to remain on the roll, having changed his qualification, and not having lodged a claim on his new qualification.

ANDERSON *v.* MERCER, 12th Nov. 1879, 7 R. 28.

(*See* Nicolson, 137, 149.)

Mercer was on the register for Midlothian as 'proprietor' of certain subjects. Having disposed part of them to his sons, reserving a sufficient qualification for himself, he made his return to the assessor under the Valuation Act as 'joint proprietor;' but the assessor did not make a corresponding alteration on the register. Objection having been taken to his remaining on the register as 'proprietor,' the Sheriff repelled the objection, adding the word 'joint' to the description of the qualification. On appeal, the Court held that the Sheriff was entitled to make the correction under § 44 of the Reform Act, 1868, and that the appellant must not be allowed to suffer for an omission on the part of the assessor.

LAMONT *v.* RICHARDSON, 12th Nov. 1879, 7 R. 32.

(*See* Nicolson, 141.)

The County Voters Act, 1861, prescribes the form of a notice of objection to be lodged with the assessor (Schedule C, No. 2). In particular, the objector must add to his signature his 'designation and place of abode.' In the notice of objection sent to the assessor (not to the voter) by Richardson against Lamont's continuing on the roll for Midlothian, he only added to his signature 'W.S., 19 Castle Street,' omitting 'Edinburgh.' The Court (Lord Craighill dissenting) held that, although the notice was not framed in strict conformity with the provisions of the statute, the defect was not sufficient to invalidate it, regard being had to § 44 of the Act.

ANDERSON *v.* LEES, 12th Nov. 1879, 7 R. 30.

(*See* Nicolson, 149.)

Lees was on the register for Midlothian as 'proprietor' of certain subjects. Having disposed part of them to a third person, retaining a sufficient qualification for himself, he gave notice to the assessor, who altered the enrolment by inserting the word 'joint' before 'proprietor.' Lees did not lodge a new claim, nor did the assessor enter his name in the lists of persons disqualified and become entitled. It was objected that the assessor had exceeded the powers conferred on him by § 11 of the County Voters Act, 1861. The Court (Lord Craighill dissenting) held that the assessor had acted rightly, and that Lees was entitled to be continued on the roll.

ANDERSON *v.* FAIRGRIEVE, 12th Nov. 1879, 7 R. 31.

(*See* Nicolson, 149.)

Fairgrieve was entered on the roll for Midlothian as 'joint proprietor' of certain subjects. Having become sole proprietor thereof



before the Registration Court was held, the Sheriff struck out the word 'joint' before the word 'proprietor' in the register. It appeared that the assessor had not received intimation of the change of qualification until after he had completed his correction of the register under § 11 of the County Voters Act, 1861. The Court held that Fairgrieve was bound to have made a fresh claim in respect of his new qualification, and having failed to do so, the Sheriff was not entitled to strike out the word 'joint' when the case came before him, and the enrolment was expunged altogether.

**BELL v. DONALDSON**, 12th Nov. 1879, 7 R. 34.

(See Nicolson, 154.)

The Court allowed certain documents alluded to, but not embodied, in the special case to be put in and used as evidence.

**ADAIR v. M'BRIDE**, 13th Nov. 1879, 7 R. 38.

(See Nicolson, 96, 105, 168, 172.)

M'Bride was enrolled for the burgh of Wigtown, in 1878, as 'tenant and occupant of lodgings.' In 1879, M'Bride having changed his lodgings was nevertheless continued on the roll without any new claim having been made by him, and without his name having been published by the assessor as a claimant in terms of § 19 of the Reform Act, 1868. The Court directed his name to be expunged from the roll, on the grounds that he had failed to lodge a claim in terms of §§ 4, 19 (3) of the Reform Act, 1868, and that the assessor had failed to publish his name in terms of § 19 (3) of that Act.

**DONALD v. ADAIR**, 13th Nov. 1879, 7 R. 38.

(See Nicolson, 96, 168, 172.)

Donald was on the assessor's list of voters for the burgh of Wigtown as 'tenant and occupant of lodgings.' He had not been on the roll in the preceding year, nor had he lodged a written claim in terms of §§ 4, 19 (3) of the Reform Act, 1868, nor was his name published by the assessor as required by § 19 (3) of that Act. He had made a verbal claim to the assessor. The Court decided that he was not entitled to be enrolled.

**M'GOWAN v. MATHER**, 15th Nov. 1879, 7 R. 46.

(See Nicolson, 154.)

The Court held that the provision of § 22 of the Reform Act, 1868, in regard to the statement of several appeals in one special case, applies only to claimants, and that all other appellants must each take a separate special case.

KENNEDY *v.* ALEXANDER, 8th Nov. 1880, 8 R. 1.

(See Nicolson, 133.)

Kennedy, who was a joint tenant in actual personal occupancy of a farm in Argyleshire, was entered on the register as 'joint tenant' without the words 'and occupant' being added. The Court held that that was a sufficient enrolment under § 6 of the Reform Act, 1868.

STEVENSON *v.* MILLER, 13th Nov. 1880, 8 R. 8.

(See Nicolson, 56, 59, 66.)

At the registration of 1880 a claim was made to be enrolled as tenant of shootings in Haddingtonshire. The value of the shootings was entered in the valuation roll for 1879-80 at £10, and in the roll for 1880-81 at £20. It was admitted that the entry in the roll for 1879-80 should have been £20. The Court sustained the claim, on the ground that the valuation roll for the preceding year was not conclusive evidence of value, and that the other evidence adduced instructed sufficient value to afford a qualification.

RUTHERFORD *v.* LOCKIE, 13th Nov. 1880, 8 R. 6.

(See Nicolson, 139, 160.)

By § 25 of the County Voters Act, 1861, it is provided that 'it shall be lawful for any person who shall have given any notice of claim, or any notice of objection, to support the same before the Court by himself, his agent or mandatory, . . . and every mandate produced to the Court, and bearing to be signed by any person entitled to give or to support any notice of claim or of objection, shall be *prima facie* a sufficient mandate.' Lockie, who was qualified as tenant of subjects in Roxburghshire, claimed to be enrolled, his claim being signed by his agent, who produced no written mandate or authority. The Court held that no written mandate was necessary, and that authority to sign and support the claim having been proved by *parole* evidence, Lockie was entitled to be enrolled.

AITKEN *v.* ROBERTSON, 13th Nov. 1880, 8 R. 12.

(See Nicolson, 140.)

Aitken was on the roll for Linlithgowshire. Having changed his qualification, the assessor placed his name (1) on the list of persons disqualified; and (2) on the list of persons having become entitled to vote. There was no objection to Aitken's new qualification, but it was maintained that until the new roll was completed he was not entitled to object to the qualification of Robertson, who had also been placed on the assessor's list. The Sheriff sustained the preliminary objection. When the appeal came on, no appearance was made for

Robertson; but the Court declined to sustain the appeal, in respect of no appearance, and required the appellant to show cause why the Sheriff's judgment should be altered. On the question as to Aitken's right to object, the Court were of opinion that, as he could have voted at an election on his qualification as appearing on the old roll until the new one was completed, so he was entitled to object in respect of it. On the merits, their Lordships were of opinion that Robertson was not entitled to be enrolled.

MURRAY *v.* DONNAN, 6th Dec. 1882, 10 R. 13.

(See Nicolson, 73, 81, 139, 149.)

Donnan was tenant and occupant under a yearly lease of certain subjects in Wigtownshire down to Whitsunday, 1882, at which term he acquired the remainder of a ninety-nine years lease of the same subjects. He claimed to be enrolled as 'proprietor and occupant, and 'tenant and occupant in succession.' The Court (Lord Fraser dissenting) held that it was competent to combine occupancy as tenant under a yearly lease with successive occupancy as tenant under a ninety-nine years lease, and that although the claim set forth the ultimate occupancy as that of 'proprietor and occupant,' consistently with the provision of § 59 of the Reform Act, 1868, it was competent to remit to the Sheriff who had admitted the claim to alter the description of the claimant's qualification by substituting on the register the words 'tenant and occupant,' for the words 'proprietor and occupant, and 'tenant and occupant in succession.'

DUNBAR *v.* RULE, 22nd Nov. 1883, 11 R. 167.

(See Nicolson, 56, 59, 66.)

Dunbar was entered in the valuation roll for Inverness-shire for the years 1882-83 and 1883-84 as tenant of subjects of the yearly value of £22, 3s. It was objected to his claim to be enrolled that the subjects were truly of less yearly value than £14. The Court dismissed the objection, holding that the Valuation Roll for neither year was conclusive evidence of value, but that it was sufficiently instructed otherwise that the subjects were of the necessary value.

JOHNSTON *v.* STEEDMAN, 22nd Nov. 1883, 11 R. 171.

(See Nicolson, 139.)

The Court (Lord Fraser dissenting) held that a notice of claim in Selkirkshire containing in the column "Nature of Qualification," the entry, "owner or proprietor;" and in the column, "Place where property is situated," "Scott Street, Galashiels," did not sufficiently set forth the qualification; and, therefore, that the claim must be rejected.

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